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Hearings 1963.

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ROYAL COMMISSION

ON (36)

PILOTAGE

HEARINGS

HELD AT

MONTREAL QUEBEC

VOLUME No.:

72-75

DATE:

3 Oct. 1963

OFFICIAL REPORTERS

ANGUS, STONEHOUSE & CO. LTD.
BOARD OF TRADE BLDG.
11 ADELAIDE ST. W.
TORONTO

364-5865

364-7383





ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal, Quebec,
on Thursday, the 3rd day of
October, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith	Member
Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild.
Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada.
Mr. J. Mahoney	for the Dominion Marine Association.
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid- St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corp- oration of the Upper St. Lawrence Pilots.



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1 FRENCH

2 ---UPON RESUMING

3 THE CHAIRMAN: Our host, The Sheriff has asked
4 that we should not smoke in the room even during the recess,
5 so those who want to smoke are invited to please go in the
6 hall. That is by order of the Court.

7 MR. JACQUES: Mr. Maheux.

8
9 JOSEPH ARTHUR MAHEUX, sworn

10
11 DIRECT EXAMINATION BY MR. JACQUES:

12 Q. Could you give, for the record, give
13 your full name?

14 A. Joseph Arthur Maheux from Quebec City.

15 Q. And you are Local Supervisor, acting
16 Local Supervisor Quebec City. Has the new supervisor been
17 appointed?

18 A. Yes, Mr. Guy Lahale.

19 Q. You have been asked here to Montreal
20 to give more specific information on Exhibit 644 which is
21 a statement on the number of days of absence on Exhibit
22 644?

23 A. Yes.

24 Q. Would you please repeat what you mean
25 by absence or leave, what rule do you follow to show a
26 pilot is absent?

27 A. Well, when he requests so or when he
28 reports as sick, upon his request or when he asks for
29 leave, is the same thing.

30 Q. Do you show as absent automatically a pilot



1 FRENCH

2 who would have arrived in Quebec after midnight?

3 A. No, not automatically. We consider
4 him a day absent if he asks not to be on the assignment
5 list that day, but only the following day. In other
6 words he will ask for 24 hours of rest in addition to
7 normal.

8 Q. It is not automatic?

9 A. No, he has to ask for it.

10 Q. If he comes in after midnight what
11 happens to his name?

12 A. Well, he is equalized the next morning
13 and he is not shown as absent.

14 MR. JACQUES: Thank you very much. Do you
15 have any questions, other counsel?

16

17 CROSS-EXAMINATION BY MR. LALONDE:

18 Q. Mr. Maheux, have you been asked to look
19 at a letter which has been sent to the local supervisor
20 of pilots relating to the comments made by the Corporation
21 of St. Lawrence Pilots concerning launches or pilot
22 launches in Les Escoumains?

23 A. Well, there may have been several
24 letters, but I am not aware of them.

25 Q. Are you not aware of the letter sent
26 by Captain R. Jones to Captain Allard on this particular
27 subject?

28 A. Concerning the launch, pilot launch --
29 I may have seen some letters concerning the launch but
30 it is difficult to specify which one.



1 FRENCH

2 MR. LALONDE: So you don't remember this
3 particular letter. Thank you.
4

5 CROSS-EXAMINATION BY MR. BRISSET:

6 Q. Your Lordship, I would have a few
7 questions which don't relate to this particular examination.
8 Mr. Maheux, do you keep in the Quebec office a record of
9 the trips made by apprentices each year?

10 A. Yes, at least those which are given by
11 them.

12 Q. So it is possible that apprentices may
13 make more trips and that those trips are not reported to
14 the office?

15 A. Yes, it is possible.

16 Q. When the trips are reported to the
17 office either in Quebec City or Les Escoumains, could you
18 tell us how they are reported?

19 A. Well, we have a small form which the
20 apprentice must himself fill and he has this form signed
21 by the pilot with whom he has been travelling. To be
22 more specific on the subject those who filed the form --
23 the apprentice must make 50 periodical trips. He may make
24 60 or 70 but if he has the 50 reports well we are satis-
25 fied. We don't care about the remainder.

26 Q. If an apprentice does such a trip is
27 the bill for the payment would this be made to him, is
28 that bill sent by your office?

29 A. No, not officially.

30 Q. Could we say in the majority of cases



1 FRENCH

2 the bill showing account is sent directly by the
3 apprentice concerned?

4 A. Well, I should specify that in such
5 cases the apprentices don't know where they can collect
6 the money from so they ask the pilot and the pilot
7 mentions the agent, and they come to us to get some other
8 details and there is a clerk in our office who sends these--
9 I don't know if he sends all statements but he simply
10 renders this service. There is no obligation, but he
11 helps this way and the apprentices, whenever they have
12 to write they ask the clerk and the clerk keeps a carbon
13 copy of the letter and so in order to be able to recover
14 the money. It is informal. It is not official.

15 Q. Yesterday afternoon we had an
16 apprentice as a witness here who said that he had done
17 this year up to now 130 trips. I am informed certain
18 apprentices might be up to 200 trips a year. Would you
19 have any statistics on this subject?

20 A. No, sir. Above the number required
21 by the Department I don't think we could assert that
22 apprentices made so many trips, etcetera.

23 Q. So for official purposes of the
24 Department you only keep a record of the number of trips
25 required to meet the requirements of the regulations?

26 A. Well, I must say in general the
27 apprentices make more trips than they are required to
28 make, but 200 -- that seems a little bit extensive.

29

30



1 FRENCH

2
3 RE-DIRECT EXAMINATION BY MR. JACQUES:

4 Q. Mr. Maheux, would you prepare for the
5 Commission a statement which would show what pilot
6 Cloutier has done during the month of June, 1962? Would
7 you please consult your file and extract all the informa-
8 tion that you have on the work of this pilot in June, 1962,
9 movages of vessels, trips to Saguenay, trips to Les
10 Escoumains, detention time, getting off time -- everything
11 you can for this document, all the information on this
12 pilot?

13 A. I will endeavour to do so, but what
14 we have for 1962 in the office isn't worth very much
15 because if we have the other copy they are not very
16 good.

17 Q. Well, if necessary you could ask
18 Ottawa to give you a legible copy of the pilot's source
19 form.

20 THE CHAIRMAN: Have you any other questions
21 of Mr. Maheux? Thank you very much Mr. Maheux.

22 MR. JACQUES: It would probably be good to
23 give a number to this Exhibit. This Exhibit will be 733
24 and will be entitled Work performed by Pilot Cloutier.

25
26 ---EXHIBIT 733: Work performed by Pilot Cloutier.

27
28 MR. JACQUES: Captain Jones, will you take the
29 stand, please.
30



1 ENGLISH

2 DAVID RUSSELL JONES, sworn

3 DIRECT EXAMINATION BY MR. JACQUES:

4 Q. Could you give us your full name and
5 address, please?

6 A. My name is David Russell Jones, 3828
7 Revelstoke Drive, Ottawa.

8 Q. Could you speak much louder?

9 A. Certainly. My name is David Russell
10 Jones, 3828 Revelstoke Drive, Ottawa.

11 Q. What is your occupation?

12 A. I am Superintendent of Pilotage,
13 Department of Transport.

14 Q. Where?

15 A. Ottawa.

16 Q. How long have you been in that position?

17 A. I have been in that position for seven
18 years, although during the time the title has been changed,
19 but merely in name only, the duties haven't changed.

20 Q. My Lord, at this point I would like to
21 say Captain Jones has prepared some documents concerning the
22 workload of pilots in the District of Quebec. I wasn't
23 aware of these documents until this morning and the purpose
24 of putting Captain Jones on the stand is not to start the
25 evidence which the Commission will get from the Department
26 generally, but on that point in particular since the
27 Quebec pilots are here and are represented I think we
28 should take this opportunity of studying the documents
29 which have been prepared. The document is entitled
30 Quebec District, September, least busiest month, 1962,



1 ENGLISH

2 Pilot G. Vezina, busiest pilot; is that correct?

3 A. Yes.

4 Q. Was this document prepared in your
5 office in Ottawa?

6 A. It was.

7 Q. What information or source of informa-
8 tion did you use to prepare this document?

9 A. The source forms furnished by the pilots
10 and sent to us from the Quebec Pilotage Office.

11 MR. JACQUES: Now, I would like, My Lord,
12 to file this document as Exhibit No. 734.

13 MR. LANGLOIS: Would you describe it.

14 MR. JACQUES: Statement of trips made by the
15 busiest pilot in the least busy month in 1962.

16

17 ---EXHIBIT 734: Statement of trips made by the busiest
18 pilot in the least busy month in 1962.

19

20 MR. JACQUES: Starting with the left hand
21 column, would you explain the information in that document?

22

23 A. Number of job is that given in consecu-
24 tive order of the assignments in that particular month --
25 the month of September, 1962.

26

27 Q. In the assignments in the District of
28 Quebec.

29

30 A. Quebec.

31

32 Q. It could be what?

33

34 A. It could possibly be a trip or movage
35 from one berth to another -- it is the assignment which he

36



1 ENGLISH

2 received from the pilotage office and he has performed it,
3 the pilot has performed it and handed in a source form
4 in detail giving the particulars that are furnished here.

5 Q. It could be a movage?

6 A. It could be a movage.

7 Q. It could be a trip between Escoumains
8 and Quebec?

9 A. Yes, or a trip to the Saguenay River.

10 Q. From Quebec?

11 A. Yes.

12 Q. From Escoumains?

13 A. From Escoumains, any one of the trips
14 that are customarily performed by the Quebec Pilots. It
15 could be a movage performed in Port Alfred or Quebec or
16 elsewhere.

17 Q. Could it be part pilotage? I understand
18 in Quebec the rates are sub-divided, they may have one-
19 third pilotage if they have remained within a certain
20 specified area?

21 A. This statement merely shows the time
22 spent and not earnings derived from that job performed.

23 Q. Very well, the next column?

24 A. The next column is the day of the month
25 on which this particular job, assignment was started. For
26 example the first one was commenced on September 2nd, as
27 you can see. It was started two and a half hours on that
28 day on September 2nd.

29 Q. Excuse me, there are 2.5 hours, that is
30 0230?



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Jones dr.ex.
(Jacques)

8849

1 ENGLISH

2 A. Yes.

3 Q. And the minutes are expressed in
4 tenths of hours?

5 A. That is correct.

6 Q. You use---

7 A. The decimal system.

8 Q. The decimal system, and also you don't
9 put a.m. and p.m., but the---

10 A. 24 hour system.

11 Q. Rotation, yes. Where did you obtain
12 this time started?

13 A. From the pilot's source form filed.

14 Q. Would you let me have Exhibit 566 --
15 556, I am sorry. Mr. Jones, I show you Exhibit 556 which
16 is the pilot's source form. You said that you took from
17 the pilot's source form what you entitle "time started".
18 Would you indicate to the Commission which time you use
19 amongst those which are mentioned on the pilot's source
20 form, time ordered, time reported or sailed time?

21 A. This should be time reported and not
22 time ordered -- time reported.

23 Q. And the times which are shown --

24 A. Time reported.

25 Q. On Exhibit 734 in the column time
26 started would be time reported on the pilot's source form,
27 Exhibit 556. Now, the next column?

28 A. The next column is the date left and
29 refers in this instance to September 2nd, the first job.
30 That is the date of the month, day of the month.



1 ENGLISH

2 Q. The time left?

3 A. The time left is 11.8 hours.

4 Q. Does that mean the time at which the
5 pilot completed his assignment?

6 A. And left the vessel. In this instance
7 this case was 11.8 hours, quarter to twelve approximately
8 on September 2nd.

9 Q. Now, this time left is shown on Exhibit
10 334 would be equivalent to the time shown on Exhibit 556?

11 A. On this column here, left ship at
12 Three Rivers on the date at this time here -- in this
13 particular instance is 2140.

14 Q. You are reading from Exhibit 556?

15 A. It is the fourth box on the list.

16 Q. On the line entitled Left Ship?

17 A. Yes.

18 Q. Yes, and the next column is what?

19 A. The next column is duration of duty,
20 and this is the difference between the two times, the
21 time in column 3 and the time given in the column 5.

22 Q. Time started and time left?

23 A. Yes.

24 Q. Yes, the next column?

25 A. The next time is the duration of time
26 between assignments -- between the time the pilot left
27 that particular ship and the time he joined the succeeding
28 ship.

29 Q. The times given in tenths of hours?

30 A. Yes, our cards are punched this way for



1 ENGLISH

2 addition and mechanical convenience.

3 Q. Your Exhibit doesn't show where the
4 pilot was in the time between the assignments?

5 A. That is correct.

6 Q. He could be anywhere?

7 A. He could be at Escoumains. He could
8 be at Port Alfred. He could be at Quebec for that matter,
9 anywhere in the District.

10 THE CHAIRMAN: You just mentioned a few minutes
11 ago that he left Three Rivers.

12 A. I am sorry, the card that was referred
13 to actually happened to be a Montreal card.

14 MR. JACQUES: I mentioned, My Lord, the
15 witness was reading off Exhibit 556.

16 Q. He might have been in Escoumains?

17 A. Yes.

18 Q. I see the first entry, Job number 1
19 and the time between the assignment number 1 and the
20 assignment number 2 was what?

21 A. Was 58.7 hours.

22 Q. So he could have that 58.7 hours in
23 Escoumains?

24 A. Yes.

25 Q. How did you arrive at your least
26 busy month of 1962?

27 A. This was arrived by running through
28 the records by mechanical -- we have them all punched up
29 on I.B.M. cards and taking totals and comparing totals
30 this way.



1 ENGLISH

2 Q. How did you establish the busiest pilot
3 for the month?

4 A. The tabulation was made of all pilots
5 and the totals for each pilot are indicated in the tabula-
6 tions and by scrutinizing them we picked up the least or
7 largest or whatever one was appropriate under the circum-
8 stances, in this case the pilot with the least amount of
9 rest.

10 Q. Sir, there is a mention above, mention
11 that assignment number 1 is off duty beginning of the month
12 26.5 hours. Where did you obtain this information?

13 A. This information was obtained by
14 referring back to the previous month in which we have
15 similar statistics as we have for September. In other
16 words we consulted the statistics for the month of August
17 just to insure that this was a complete record.

18 Q. This Exhibit 734, I take it, would start
19 at 0 hours in the first of the month?

20 A. Yes, except that this 26 hours may well
21 refer and did relate to a period ante-dating prior to
22 0 hour in the first of the month.

23 Q. Extending into the month of---

24 A. August.

25 Q. I see.

26 A. Merely to allow for a total to show
27 where his last assignment was completed.

28 THE CHAIRMAN: If I had 26.5 plus time of departure
29 on the 2nd, if I subtract I would have just 24 hours --
30 that means he was off duty in the month starting at 0 hours



1 ENGLISH

2 -- if you started there with 0 hours and I have 26.5 when
3 he left his first ship on the second 2.5---

4 THE WITNESS: I am sorry, that is right. We
5 have to check back just to see. The figure they have
6 shown starts at 0 hours, yes, I am sorry, that is correct.

7 Q. So this pilot would have done 16
8 assignments in the month of September?

9 A. That is right. That is correct.

10 Q. And the least period of rest he had
11 between assignments was between the third and fourth
12 assignments at 6.2 hours?

13 A. Yes, this statement so says.

14 Q. According to your mention, duration of
15 duty, how many movages would you say this pilot has done?

16 A. Well, the statement as such doesn't
17 differentiate the work which are movages and which are
18 trips, the nature of each of these assignments, but merely
19 the hours of the assignments. Without checking further
20 we couldn't differentiate on this statement alone.

21 Q. Is the duration of duty, would it
22 include detention time or cancellation?

23 A. It would include detention time.

24 Q. Why?

25 A. This is the time in which the pilot
26 spent on board, and for which a card is furnished, a
27 source form is furnished and a bill is rendered. The
28 cancellations, normally there should be no time spent on
29 cancellations, but if the cancellation was part of a
30 detention as sometimes happens, a pilot goes on board,



1 ENGLISH

2 spends a number of hours and the ship incurs a detention
3 charge and a cancellation charge, then it would appear
4 here.

5 Q. The entry for the third assignment,
6 duration of duty, 1.3 hours -- that could be a movage,
7 it could be a detention followed by cancellation?

8 A. It could be, yes. It seems a very
9 small duration of time. It was either a movage or a
10 detention.

11

12

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14

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1 ENGLISH

2 Q. Now sir you have prepared another
3 document showing, for the month of September 1962, another
4 busiest pilot. My Lord, I should like to file the second
5 document as Exhibit 735.

6
7 ---EXHIBIT NO. 735: Document entitled number of assignments
8 done by pilot V. Lafleur during the
9 month of September 1962.

10 Q. Now was this document compiled in a
11 similar manner to the previous one?

12 A. Yes, it was.

13 Q. Why did you compile this information
14 on pilot Lafleur?

15 A. Because, according to our records, it
16 showed that Mr. Lafleur was the busiest pilot in that
17 particular month.

18 Q. We also have another busiest pilot,
19 who is pilot Vezina. The previous Exhibit was entitled
20 Busiest Pilot September 2nd 1962.

21 A. This record of Mr. Lafleur is unusual
22 in that Mr. Lafleur spent a considerable time on one ship,
23 and a detention and for that reason it was an unusual
24 case.

25 Q. And the total number of assignments
26 for Pilot Lafleur, for the month of September, would be
27 16?

28 A. Yes.

29 Q. I see he was employed, according to
30 this information, on a great number of short trips from



1 ENGLISH

2 the 7th assignment to the 12th assignment inclusive?

3 A. Yes, as the note at the foot of the
4 statement indicates, this time was spent on the Irving
5 Wood up in the Saguenay River during which time the vessel
6 was discharging into a smaller vessel and the cargo was
7 being lightered and for this reason there was a great deal
8 of time spent on board with little actual piloting time;
9 as indicates here, the detention, for example, was in one
10 instance 23.7.

11 Q. Which time are you referring to?

12 A. Job number 7. For example, there was
13 23.7 hours spent in detention and 1.8 hours spent in
14 piloting, similarly on assignment 8.

15 Q. How did you differentiate time spent
16 on detention and time spent on piloting? Where did you
17 get your information on time spent piloting?

18 A. From Pilot Lafleur's source forms.

19 Q. According to you, the time piloting
20 would be the difference between what times shown on Exhibit
21 556?

22 A. Well in this instance there would be,
23 I am sure -- I didn't personally see it, but I am sure
24 there would be remarks explaining the unusual circumstances
25 where this very long time was spent on board ship, but,
26 nevertheless, there was very small amount of piloting
27 actually performed.

28 Q. Now I note that you have prepared another
29 document. My lord, I should like to file this document
30 as Exhibit No. 736.



1 ENGLISH

2

3 ---EXHIBIT NO. 736: Document entitled number of assign-
4 ments done by the busiest pilot for
the busiest month of 1962, to wit,
5 the month of October.

6

7 Q. Now was that document, Exhibit 736,
8 prepared in the same manner as the two previous ones?

9

10 A. Yes, it was.

11

12 Q. I see this document contains a footnote.
13 Would you explain the footnote please?

14

15 A. This pilot, Mr. Bouffard, performed, as
16 the statement indicates, 20 trips. From our records the
17 average number of trips in this month was 14. The
18 explanation for the excessive number of trips performed
19 by Mr. Bouffard was that earlier in the season Mr.
20 Bouffard was ill and off duty and in October he was
endeavouring to catch up.

21

22 Q. How do you know that he was ill and
23 off duty?

24

25 A. Our records show that this was so and
26 this footnote here explains that our records say that he
27 only performed one assignment in July and upon looking
28 this up, we found that he was off duty because of illness.

29

30 Q. You said when we looked this up we
found that he was off duty. Are you referring, by any
chance, to Exhibit 644?

31

32 A. Well I cannot be sure how they determined
33 that he was sick because I did not personally do this,
34 but they must have looked up either this record or
35 checked with the Quebec Office and established the fact

36



1 ENGLISH

2 that he was, in fact, off sick in July.

3 Q. My lord, the pilot whose name appears
4 on Exhibit 736 is shown on Exhibit 644 as having been
5 absent in 1962 for 94 days. How many jobs did the busiest
6 pilot do in the busiest month?

7 A. Our records show that 14, an average
8 of 14 jobs were performed in October. The average of
9 all the pilot body in October came to 14.

10 Q. October 1962?

11 A. Yes, and it was desirable to explain
12 this particular case because this man performed more than
13 the customary number and the explanation is at the foot.

14 Q. How many jobs did he do during---

15 A. The records show that Mr. Bouffard
16 performed 20 jobs in this month of October 1962.

17 Q. Six above the average which you had
18 established?

19 A. Yes.

20 Q. Thank you sir. My lord, in order to
21 complete this picture as much as possible today, the
22 pilot whose name appears on Exhibit 735 is shown on
23 Exhibit 644 as having been absent for 31 days in 1962
24 and the pilot shown on Exhibit 734 -- excuse me -- anyway
25 My lord, in order that there be no misunderstanding in
26 the record, if I may start with Exhibit 734 which concerns
27 Pilot Vezina, Pilot Vezina is shown on Exhibit 644 as
28 having been absent 31 days. Exhibit 735, Pilot Lafleur,
29 he is shown on Exhibit 644 as having been absent 38 days
30 and lastly, Pilot D. Bouffard, Exhibit 736, is shown



1 ENGLISH

2 as having been absent in 1962 during 94 days.

3 MR. LALONDE: For the purpose of the record,
4 My lord, it might also be worthwhile adding that every
5 pilot in that year was granted credits of 9 days at the
6 start of the season as a gift to start the season and
7 Pilot Lafleur is also a member of the Board of Directors.

8 MR. JACQUES: Yes, My lord, I think it is only
9 fair to say for the year 1962 all the pilots have nine
10 days absence.

11 THE CHAIRMAN: Yes, and with regard to the
12 attendance at meetings, I don't mean the General Meetings,
13 but for the Director's Meetings are they shown as absent?

14 MR. LALONDE: Yes, the evidence in Quebec my
15 lord was that, if I remember well, they were shown as
16 absent. They were allocated turns which were not on a
17 separate basis. On the tour de role list they appeared
18 at the bottom with the absences for various causes of
19 which there was sickness and meetings.

20 MR. JACQUES: And it was mentioned at the foot
21 of the tour de role list, my lord, not always but sometimes
22 that the pilot was absent on different Committees or we
23 saw mention of the Royal Commission Committee and sickness.
24 Things like that.

25 THE CHAIRMAN: In order just to refresh my
26 memory, therefore, this calculation of absences, this is
27 made by the Department but the granting is only for
28 distribution of money, and this is done by the Corporation?

29 MR. JACQUES: Not exactly my lord, because
30 when the pilot is granted half a turn for attending



1 ENGLISH

2 Committee work, when the tour de rôle is readjusted the
3 following morning, he is credited with this.

4 THE CHAIRMAN: He is credited in the tour de
5 rôle only?

6 MR. JACQUES: Yes.

7 THE CHAIRMAN: And not for the absence?

8 MR. JACQUES: Yes my lord, quite true; for
9 his rank, for his standing in the tour de rôle, whether
10 it is first, second, third, fourth, then they take into
11 account the credit.

12 THE CHAIRMAN: Yes, that credit or that debit,
13 in the case of somebody being suspended and some tours
14 being completed would be the same thing?

15 MR. JACQUES: One way or the other.

16
17 CROSS-EXAMINATION BY MR. LALONDE:

18 Q. Captain Jones you stated that in the
19 month of October 1962 there was an average of 14 jobs
20 per pilot. How did you arrive at that average?

21 A. Well this average was produced by the
22 people working on this, on the I.B.M. record, by consult-
23 ing the entire run-off for the month and taking the average.
24 I may say that when I said 14, it was 14 point something.
25 My memory is not exact on this point.

26 Q. 14 point something?

27 A. I think it was. I don't think it was
28 exactly 14.

29 Q. Your I.B.M. machine, does it calculate
30 the total number of trips made and divide by the number



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2 of pilots on the list, or what?

3 A. Yes. The total number of assignments
4 divided by the people performing those assignments.

5 Q. Does that mean that if you have a
6 pilot who, during the month, has done one trip, and then
7 falls sick, he will appear on that list and be divided
8 by the total number of turns done to arrive at the average?

9 A. Having done one trip, this one trip
10 will appear with the others, making the aggregate of all
11 the trips and that total aggregate will then be divided
12 by the number of pilots to obtain the average.

13 Q. What number of pilots?

14 A. The number of pilots performing the
15 work, although I must say here I did not do this calcula-
16 tion but this is what it must have been.

17 Q. The number of pilots performing the
18 work. That pilot which I mentioned, who would have done,
19 for instance, one in July, has only done one trip, if
20 you had calculated it in July in order to reach your
21 average you mentioned, would you have included Pilot
22 Bouffard in that number of pilots performing trips?

23 A. Well if he performed no trips at all---

24 Q. I said one trip.

25 A. Yes, he would be in the total for
26 Quebec, the average for July.

27 Q. So that for this purpose, supposing
28 that at least -- that all the pilots in the District have
29 done at least one trip in the month of October 1962,
30 assuming this, you would have to divide the total number



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2 of trips by the total number of pilots?

3 A. Yes, and then, of course, if they all
4 performed one trip the answer would be one.

5 Q. Why don't you, in this case, use your
6 famous effective pilots?

7 A. Here when we calculated the working
8 of this particular month, we endeavoured to find out what
9 the average was in this sense, but after all if the man
10 was there -- this is a rough and ready figure at that.

11 Q. So you have effective pilots for some
12 purpose---

13 A. No.

14 Q. ---and for other purposes you have a
15 total number of pilots available?

16 A. No, this is not so. I mentioned this
17 as an indication of what the level was, and it was 14
18 point something.

19 Q. And that is taken by dividing the
20 total number of trips by the total number of pilots who
21 have performed at least one trip during that month?

22 A. Yes, one or more.

23 Q. Do you know if this method of calcula-
24 tion is used for other purposes?

25 A. No. I may say that this was prepared
26 yesterday and I then inquired well what is this? How
27 does this 20 compare with the average because obviously
28 without some comparison it doesn't convey very much, and
29 this is what they found.

30 Q. I thought you had a question my lord?



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2 THE CHAIRMAN: You answered it.

3 Q. Now you explained to my friend, Mr.
4 Jacques, how you arrived at the times started and times
5 left, and if I understood you well, and I want to be
6 clear about this, this is the time the pilot will report
7 to the trip, for the time started?

8 A. Yes.

9 MR. JACQUES: I am sorry, I don't want you to
10 mislead the witness. The witness said that it was the
11 time shown in the space "reported time".

12 MR. LALONDE: I said time reported -- reported
13 time -- if there is a difference between the words, if
14 you see one, I will agree with you.

15 THE CHAIRMAN: Do you have the source form?

16 MR. JACQUES: Exhibit 556.

17 THE CHAIRMAN: Please hand the source form
18 to Mr. Lalonde so he will have the correct term.

19 Q. The reported time is the time which
20 appears as time started, the trip starts and time left
21 means the time he leaves the vessel?

22 A. Yes, although it may well be that the
23 trip does not actually start at the time the pilot gets
24 on board. There may well be a delay, in which case there
25 will be detention, and so on. Conceivably it would be
26 detention.

27 Q. Well on this matter of detention, I
28 would like to take note of Exhibit 597, which is the
29 financial statement for the Corporation of the Lower
30 St. Lawrence Pilots for 1962 and it shows Mr. J.F. Vezina,



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2 which is the same one I understand, pilot number 77?

3 A. Yes, the same one.

4 Q. And he has \$106.20 in detention?

5 A. Yes.

6 Q. For the year. Do you know how much
7 they get for detention in the Quebec District?

8 A. Well the total for the year---

9 Q. Per hour? Isn't it true it's \$3.00?

10 A. That is right.

11 Q. So that \$106.00 would make about 33?

12 A. Yes.

13 Q. Detentions for the year?

14 A. 35.

15 MR. BRISSET: 35.

16 Q. 35 hours which for a whole year, if
17 you take it over a month even doesn't amount to very much
18 anyway?

19 A. That is right.

20 Q. Then no consideration in this matter
21 is given to the time the pilot is called by the dispatcher
22 for a ship, and the time the pilot takes to get to the
23 pilotage station or to the ship itself?

24 A. That is right. Travelling time does
25 not appear on this statement. This is merely a record of
26 time spent on the job, in one form or another, but not
27 travelling and the time spent between assignments includes
28 rest time, travelling time, and so on.

29 Q. Is it because you consider this as
30 not time on the job?



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2 A. No. The reason why we don't differen-
3 tiate, or split the time between assignments into various
4 categories or classifications of the pilot is because we
5 have no means of getting this. We merely know that he
6 gets off one job at a certain hour and gets on another
7 job at another hour. Between that time, he may have
8 travelling time, rest time, and so on.

9 Q. So that if you order a pilot, for
10 instance, let us take in the fall. There are fewer ships
11 coming up than going down, October, November -- November
12 and December let us say, and then you have pilots going
13 down to Escoumains and coming back by bus, and taking
14 another ship, you would not take into account the time
15 they spent travelling in Les Escoumains -- Quebec City,
16 for instance?

17 A. I would not say that we don't take
18 this into account. It doesn't appear in the statement.
19 We are aware that this happens---

20 Q. It doesn't appear here. You are
21 giving evidence on this.

22 MR. BRISSET: May the witness make his answer.

23 A. This statement is merely, as it
24 indicates on the face of it, time between assignments.
25 We do not say how that time is spent. We are aware that
26 some of this time must naturally be spent in travelling.

27 Q. And the same thing in the Spring?

28 A. That is right.

29 Q. If they are called upon to go from
30 Quebec City to Escoumains, this will not appear on this



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2 statement?

3 A. The time spent in travelling would
4 not appear separately. It would appear in this total of
5 time between assignments.

6 Q. Is it not a fact also that the time
7 spent on board the pilot boat does not appear on this?

8 A. Yes, that is right. For the same reason
9 that it is, essentially, travelling and the reason why we
10 do not split it is because, as I said, it is very very
11 difficult thing for us to secure with any degree of relia-
12 bility and while it is taken into account in the larger
13 aspect of pilotage, it is not produced as a separate
14 statistical item.

15 Q. We will come to that in due time.
16 Suppose a pilot is called in Quebec City to take a ship
17 down to Les Escoumains, gets down to the pilotage station
18 and for some reason, fog, or whatever it is above Quebec
19 the ship arrives two hours late, three hours late, would
20 that appear in this as time between -- as time started
21 and time left or would it not show?

22 A. I am not quite sure-- is the ship
23 delayed when the pilot is on board or prior to his joining
24 the ship?

25 Q. The Quebec Pilot is waiting at the
26 pilotage station.

27 A. Well this time was spent in Escoumains,
28 it would appear in this column, that of the rest of his
29 time between assignments.

30 Q. And the same thing in Quebec City, he



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2 is at the pilotage station?

3 A. Yes.

4 Q. Are you aware that the pilots are
5 reporting generally about an hour before the time they
6 are called upon to board the ship?

7 A. Well they are ordered before, and of
8 necessity must be ordered before. They are told the
9 approximate time that the ship will -- that they will be
10 wanted for the ship and they then report to the pilotage
11 -- embarkation station. It could be in Escoumains or
12 it could be in Quebec, or wherever, I am quite sure in
13 good time for very rarely indeed do we have any complaints
14 that they are late.

15 Q. Do you know whether your dispatchers
16 have instructions to call pilots so many hours before
17 their departure time?

18 A. They have such instructions, and this
19 varies in different offices. In Quebec, I am not quite
20 sure, this is something in the order of an hour and a
21 half or two hours. Something of this order.

22 Q. So the time you have on these Exhibits
23 734, 735 and 736 is really the time a pilot has his feet
24 on the vessel?

25 A. That is right.

26 Q. And nothing else?

27 A. That is right.

28 Q. I would like you to look at Exhibit
29 734 which you have produced this morning and would you
30 tell me whether, in this list, there are any trips made



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2 to Port Alfred or Chicoutimi?

3 A. I would not be able to say. I don't
4 know.

5 Q. Would you be in a position to tell the
6 Commission whether it takes longer to get from Escoumains
7 to Quebec than from Escoumains to Port Alfred or is it
8 the reverse?

9 A. It's shorter from Les Escoumains to
10 Port Alfred than to Quebec.

11 Q. It is shorter to Port Alfred?

12 A. Yes.

13 Q. And if you look at this list, apart
14 from one movage, which I imagine took one hour and three-
15 tenths, trip number 3, what is the shortest time for the
16 trip in that month?

17 A. Well there is an item here of 8.1.
18 Of course this doesn't -- the statement in this form
19 does not really clearly say this. For example, another
20 one with a larger total than 8.1 may still be an aggregate
21 of some detention and a trip. All it merely says here is
22 a duration of duty and does not sub-divide that duration
23 of that duty at all.

24 Q. We have seen that there are only 35
25 hours of detention in the whole year for pilot Vezina?

26 A. Yes.

27 Q. And you would have the longest trip on
28 this list of 19.8 hours. Isn't that the next trip, number
29 15?

30 A. Yes.



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2 Q. I would like you to look at Exhibit
3 736, Pilot Bouffard, number 15, this is reported as 4.2
4 hours. Would you have any idea where that trip would have
5 taken place, or whether this would be a movage?

6 A. No, I haven't. I don't know whether it
7 is a trip or a movage.

8 Q. Would you think that it would possibly
9 be a trip between Quebec and Escoumains in four hours?

10 A. Highly unlikely I would think.

11 Q. If you look at your three Exhibits,
12 we don't take into consideration this trip of 1.3 hours,
13 which is obviously a movage, and this 4.2 which would
14 very unlikely be a trip between Quebec and Les Escoumains.
15 Could you say what would be the shortest trip which could
16 be attributed to Quebec Escoumains or Escoumains Quebec?

17

18

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2 A. Well, it is a matter of some guessing.

3 Q. I think I have an Exhibit 736, trip
4 number 17?

5 A. Seventeen 7.8.

6 Q. 7.8 hours?

7 A. There are a number of items that are
8 in that range, 8.2 and so on.

9 Q. I am asking for the shortest trip?

10 A. 7.8, but without looking up that
11 particular source from one can't tell what it was.

12 Q. It could be Escoumains Port Alfred or
13 Quebec -- you wouldn't know for sure?

14 A. Yes.

15 Q. Now, if you look at the Exhibit you
16 produced, 734, I haven't had time to look at the others
17 too much, could you tell the Commission how many of the
18 16 trips mentioned would have been trips we could have
19 called trips by night?

20 A. Well, I couldn't say of these particular
21 trips, but in general there are somewhat more than half
22 the trips are night trips.

23 Q. I suggest it is very easy to calculate,
24 take the first trip?

25 A. You could go through it but without
26 doing that---

27 Q. I suggest you had better. The first
28 trip obviously at 2:30 in the morning?

29 A. Yes.

30 Q. Second trip 2230 -- night trip,



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2 obviously; fourth trip, 2222 -- that is 22.5; sixth trip
3 was 2:30 in the morning; the seventh trip he arrived --
4 he started at two in the afternoon and arrived at 2:30
5 in the morning -- part of it is night work; eighth trip
6 was started two in the afternoon arriving two in the
7 morning?

8 A. Yes, you could say a good part of the
9 trips would be made at night.

10 Q. The tenth trip started during the
11 morning arrived at eight in the morning; the eleventh
12 trip started at four o'clock in the morning?

13 A. Yes.

14 Q. The fourteenth trip started 21 hours --
15 I am sorry I jumped the twelfth trip -- the twelfth trip
16 started three o'clock and arrived four o'clock next
17 morning? A. Yes.

18 Q. Fifteenth trip started at one o'clock
19 in the morning arrived at 19.8 -- arrived at 20.8 the
20 next day. Would you be prepared to say that on this
21 list there is a vast majority of trips which have been
22 done at least partly at night?

23 A. That is correct.

24 Q. The trips I mentioned are twelve out
25 of sixteen which would have been either completely or
26 in part at night?

27 A. In part, yes, that is correct.

28 Q. Could I have Exhibit 705, please. I
29 am showing you a letter which is part of Exhibit 705 dated
30 June 10th 1963 addressed by the Minister of Transport to



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2 Mr. Gaston Rousseau concerning absent pilots?

3 A. Yes.

4 Q. I draw to your attention to mention
5 after item 5 that Mr. D. Bouffard, the same as appeared
6 on Exhibit 736 in the statement in French reads: He was
7 absent 94 days in 1962, no satisfactory explanation was
8 given in order to give reasons for such absences. Did
9 you have time since then, between this letter and the
10 preparation of this document to find that Pilot Bouffard
11 had been ill and had justification for being absent?

12 A. No justification -- we are not entirely
13 sure about that. There is a statement he is ill, but we
14 know no nothing of the nature of the illness, the serious-
15 ness of it, and it was merely down as ill with no further
16 comments.

17 Q. You never requested a medical certifi-
18 cate or something of that sort for that pilot?

19 A. I am not sure. I should think that
20 the Pilot's office in Quebec must have asked for some
21 explanation. We certainly had no explanation subsequent
22 to that letter or before that letter.

23 Q. No explanation subsequent to that
24 letter?

25 A. Other than illness with no further
26 comments, the nature of the illness, the seriousness or
27 anything.

28 Q. Do you mean to say you have no
29 explanation subsequent to the letter by Mr. McIlraith?

30 A. I am quite sure we don't know Mr.



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2 Bouffard's illness or the seriousness of it, not to my
3 recollection do we.

4 Q. Have you knowledge of this -- My Lord,
5 I don't want to go further than the examination in chief,
6 except that the name of Pilot Bouffard came up in the
7 Exhibit previous. I don't want to go at length in this.
8 If I may, it won't take very long. Have you knowledge of
9 a letter of Captain Rousseau to Mr. McIlraith, July 10th,
10 1963, prior to Exhibit 705 and states about Mr. Bouffard
11 that he had to have an operation and he has been absent
12 for that reason for 94 days and that he could manage in
13 the whole year to pick up 101 trips comparative to 108
14 for other pilots?

15 A. I think I must have seen this.

16 Q. Did you inquire at your Pilotage Office
17 to find out whether you had any justification or excuse
18 for that absence of Mr. Bouffard apart from this letter?

19 A. When we wrote this letter we stated
20 this statement that the people we sent -- the statement
21 they were absent, the number of days and at the time, the
22 date of this original letter we had no more than that
23 information. Apparently you remind me subsequent to that
24 we had further explanation from Mr. Gaston Rousseau.

25 Q. Whose responsibility do you think it
26 is to keep after the reasons for absence of pilots, the
27 Corporation of Pilots or the Pilotage Authority?

28 A. In my opinion the Pilotage Authority.

29 Q. You mention "off duty" which appears
30 on the top of each Exhibit you have produced, 734, 735 and



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2 736, does that mean effectively that the pilot was off
3 the list at the time or that he wasn't called upon to
4 perform his duty? I must tell you I am rather surprised
5 at the factor that these three cases they all appear to
6 be off duty at the beginning of the month. Is it simply
7 they weren't called upon to perform anything?

8 A. Excuse me, this "off duty" is merely
9 a repetition of the fact that it is time between duties.
10 This is not off duty in the sense of being absent from the
11 roll. It is merely that he wasn't on assignment.

12 Q. He wasn't on the tour de roll?

13 A. This 736 starts out taking them once,
14 14.8 hours -- that is in exactly the same category as
15 in the remainder of that column.

16 Q. I wanted to know if he was off for
17 some reason?

18 A. There is no significance to that. It
19 is merely the typist puts that statement.

20 Q. I suppose the same applies to the
21 mention there time at the end of the month?

22 A. These are colloquialisms put in by the
23 person who did it. This time 90.3 hours concludes the
24 total number of hours of the month.

25 Q. Did you ever make any estimate as to
26 the number of hours which a pilot spent either travelling to
27 or from ships or between stations waiting at stations,
28 going from home to the ship and from ship to home?

29 A. We never prepared statistics on this
30 because of the difficulty of the task.



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2 MR. LALONDE: Thank you very much.

3

4 CROSS-EXAMINATION BY MR. LANGLOIS:

5 Q. So, Captain Jones, from the answers
6 that you have given to my friend, these two Exhibits
7 contain quite a few misnomers in the sense, in that we
8 are calling things by different names, such as example
9 time on duty. What you mean is time doing actual
10 piloting?

11 A. No, this time on duty includes all
12 categories on duty or be it piloting or be it waiting,
13 detentions or whatever.

14 Q. Do you consider, sir, that when a pilot
15 goes on board a ship and waits an hour that he is on duty
16 then?

17 A. Yes, he is on duty and this time is
18 recorded in this total, although he is merely waiting,
19 and it may well be either straight detention time, that
20 is to say detentions for which a ship isn't charged or
21 could be it exceeds a certain minimum time for which the
22 ship is charged.

23 Q. You mean to say that the cancellation
24 time even if it is not paid then is taken into account in
25 the Exhibits you filed?

26 A. The cancellations?

27 Q. The detention time?

28 A. I am sorry.

29 Q. Do you mean to say that the detention
30 times even though it is not paid for by the ship is taken



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2 into account in this Exhibit you filed?

3 A. Yes, the statement shows what time
4 the pilot has spent regardless of -- financial returns
5 does not come into this statement at all.

6 Q. What about cancellations now, are
7 they taken into account?

8 A. Well, cancellations -- they may arise
9 without, in fact, appreciable time being involved or they
10 may come along with additional detention time being
11 charged. It depends on the nature.

12 Q. Are cancellations taken into account
13 on this document?

14 A. If there is time spent on board. It
15 depends here. If there is no time spent on board there
16 is no time shown here. The charge is in relation -- the
17 nature of the charge has no relation to the making up of
18 this statement.

19 Q. Do you think when a ship is cancelled
20 and a pilot has spent some time -- Captain Jones do you
21 consider when a pilot is called to a ship which is later
22 on cancelled that the time spent trying to do this job
23 is time on duty for this pilot?

24 A. This statement here shows the time that
25 he was on board that ship, and if there is no time spent
26 on board there would be no record of the time appearing
27 in this total. The nature of the charge, as explained
28 doesn't appear here at all. For example a pilot might
29 go on board a ship at 10:00 o'clock and at 1:00 o'clock
30 having done a total of three hours the master decides



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2 the voyage is to be postponed and he dismisses the pilot.

3 There would be a detention charge and a cancellation

4 charge. This statement here merely carries the hours

5 involved and it doesn't show the remuneration at all, and

6 in this instance it would be for example three hours.

7 Q. In the case of a pilot being detained for
8 three hours, is it not a fact that he is paid only for
9 two hours?

10 MR. JACQUES: My Lord----

11 MR. LANGLOIS: Q. And the records would show
12 only two hours?

13 A. Well, the example I have is hypothetical.
14 It was for three hours. The record would show he was
15 detained and his card would be made up on this basis.
16 If he was detained at twelve and returned at twelve it
17 would show twelve and if was detained two it would show
18 two. As a matter of fact the pilot gives the time and
19 we accept his statement as correct and truthful and we have
20 no reason otherwise, we haven't found any necessity to
21 doubt it. In any event he states for this hypothetical
22 instance he was on board at ten o'clock and left at one
23 o'clock and the record in this case would show three hours
24 in the course of the aggregate it would include these three
25 hours.

26 Q. Let us take a case of a pilot, for
27 example, who is sent to Chicoutimi to take a ship, the
28 ship is cancelled and he has to return to Quebec. What
29 time would be shown in your records as representing the
30 time this pilot was on duty?



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2 A. If he didn't set a foot on board the
3 ship, as I presume this case you are now quoting, no time
4 would be shown for no time was spent on the ship. The
5 fact that a man travelled many hours may well be the case,
6 but it does not appear here. As I explained we are not
7 separating travelling time from time between assignments.
8 The last column is ^{the} global figure and it includes all the
9 time that elapses between the man getting off one ship
10 and going on board and starting on another.

11 Q. In other words, the example I have
12 just given you -- you could have your pilot travelling
13 for several hours, amounting probably to ten hours on duty
14 on a definite assignment which is later cancelled without
15 being credited for this time in these Exhibits that have
16 just been filed?

17 A. That is right, travelling doesn't
18 appear here.---

19 Q. Is it not true, Captain Jones, that
20 you could have a similar example of a pilot spending
21 considerable amount of time travelling on duty without
22 any account being taken care of -- in a case of a pilot
23 called from Quebec to Port Alfred to do a single movage,
24 and then he has to return to Quebec with no other assign-
25 ment at Port Alfred -- he would be all that time travelling,
26 and correct me if I am wrong, seven or eight hours, but
27 what would be actually shown on duty would be an hour and
28 a half only?

29 A. That is true. We haven't sub-divided
30 that time between assignments into travelling time, hotel



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2 time, time at home and so on.

3 Q. So, am I not right in saying that the
4 heading of this column, duration of duty, isn't it mis-
5 leading or at least a misnomer?

6 A. Well, I don't think it is a misnomer
7 or misleading. It means duty on a ship, the fact that he
8 travels -- we so know and we make no pretense about it.
9 We don't keep track of it. They do it for what we think
10 are good and sufficient reasons and we haven't recorded
11 it in any way shape or form.

12 Q. Is it not a fact, Captain Jones, that
13 in order to arrive at the actual time spent on duty by
14 these three pilots it would have been much better to add
15 up the number of hours in the column duration of duty
16 and time spent for travels and then you would have the
17 exact number of hours during which these pilots were
18 actually on duty; is that right?

19 A. You could choose an alternate of
20 heading for that, by all means.

21 THE CHAIRMAN: I think the pilots wouldn't
22 agree to that because they say they are on duty all of
23 the time.

24 MR. LANGLOIS: Again My Lord, I am trying to
25 be fair to the Department. I don't want to get the idea
26 we agree with these figures, but in the mind of the
27 Department you would have been better off at least to
28 have these two columns.

29 MR. JACQUES: I think my friend should look
30 at the contents of the document rather than the title.



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2 To my mind the title is not important so long as we know
3 what the figures represent.

4 THE CHAIRMAN: This is always the difficulty
5 with statistics, the name, you couldn't give the long
6 name to it but apparently it is misleading. It is mislead-
7 ing when we don't understand what it means. I think that
8 has been explained. I understand from this Exhibit that
9 the time shown there is exactly the time spent aboard,
10 when a pilot is aboard even if he is ordered off later it
11 appears here. It is indicated in the source form. When
12 he sets foot on board a ship this is going to be shown.
13 It is important to note the way it was indicated by the
14 pilot. That is another thing. This we take for granted --
15 not for granted -- we take that Ottawa, the Department of
16 Transport explaining this Exhibit have taken for granted
17 that this is it, that the pilot was there, time reported
18 is the time when the pilot put his foot on board and the
19 left is when he actually left the ship. For Captain
20 Lafleur, if I understand he was on board all the time,
21 he stayed on board for 107 hours. I haven't the document
22 in front of me. We understand that.

23 MR. JACQUES: I think these Exhibits should
24 of
25 be read in the light/considering the confusion, as how
26 much time should be inserted in the space of time reported.

27 THE CHAIRMAN: This I gather, and I hope you
28 will have some evidence from the pilots if it isn't already
29 there, as to the time -- with regards to these pilots
30 Lafleur, Bouffard and Vezina, what they consider time
reported and time left. If this evidence is not before



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2 us we would consider what the Department has.

3 MR. LANGLOIS: My Lord, I don't want to
4 prolong this, but if the headings of the columns mean
5 nothing the figures in the columns don't mean much more.

6 THE CHAIRMAN: Let us say we are considering
7 the headings as givenⁱⁿ the evidence by Captain Jones.

8 MR. LANGLOIS: That was the purpose of my
9 cross-examination .

10 THE CHAIRMAN: I understand that and you did
11 well.

12 MR. LANGLOIS: Q. Now, Captain Jones,
13 when you mentioned the duration of jobs on these Exhibits
14 I don't think you mentioned time spent on trials, on
15 trial trips; is that correct?

16 A. Oh yes, trial trips so called, yes.

17 Q. Trial trips?

18 A. Yes.

19 Q. Now, will you take Exhibit 735. Let
20 us take the case of the third,^{last} September 20th, by Pilot
21 Lafleur. He is shown as having been on duty within the
22 meaning of the column there from 5.7 to 7.5; is that on
23 the same day?

24 A. Well yes, that is 1.8 hours of piloting,
25 presumably, yes.

26 Q. If we have total of the time on duty,
27 Pilot Lafleur/shown as having worked on that day 25.5 hours.
28 I don't understand that. I want you to explain it?

29 A. You give me a difficult task here.

30 Here we find that he left this assignment at half past



1 ENGLISH

2 seven in the morning of the morning of the 20th and we
3 have 25 -- the time spent on duty was 23.7 plus a further
4 1.8 -- the detention time is 23.7 and 1.8 actually
5 piloting which makes it 25.5 hours. I find this hard to
6 explain myself. The point is that there were 25.5 hours
7 spent in total on that ship.

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1 ENGLISH

2 On that particular assignment it is divided
3 into 23.7 hours of detention and 1.8 hours of actual
4 piloting. 25.5 on to the starting time would give us
5 7.2 which is the next time, the time of the next assign-
6 ment.

7 There was not time between assignments from
8 which it follows that this date here must be wrong. The
9 20th, this date of the 20th here on the 7th assignment in
10 the column 4, this should read the 21st.

11 Q. You have the same thing, sir, unless
12 I am mistaken, for the 23rd, when you run into 24.1 hours?

13 A. On the next assignment there was 11.5
14 hours, a total time spent on board ship which would bring
15 -- starting at 7.2 would bring us to 18.7 and this, of
16 course, is the commencement of the next assignment. The
17 explanation of this is, and it is rather misleading I
18 must agree, is that the time left is for the piloting
19 only, not for the detention. This is misleading, and that
20 is the explanation for it. For example, to come back
21 here on the 7th, 5.7 plus 1.8 gives us 7.5. That is the
22 explanation of those columns 4 and 5. For the moment it
23 perplexed me. I don't blame you for finding it a little
24 intricate.

25 Q. Well if your explanation is right,
26 could you explain why Pilot Lafleur on the 20th of
27 September terminated a job at 7.30 and started another
28 one at 7.20 if we are on the 21st? It would be the 22nd?

29 A. Well---

30 Q. 7.30 and 7.2.



1 ENGLISH

2 A. What happens here is that the time in
3 the 3rd, 4th and 5th column here are related only to the
4 piloting time, 1.8 hours, so that he would start the
5 assignment at a quarter to six in the morning, finishing
6 nearly two hours later and this is the explanation of
7 that 7.5 here but in actual fact he was on board the
8 entire time and the next day he started at 7.2. Now this
9 includes the detention time, so that if you take 23.7
10 plus 1.8 it gives us a total time of 25.5, and 25.5 takes
11 you from 5.7 hours on the 7th, the starting time of the
12 7th assignment to the starting time of the next assignment.
13 I must say the way it is presented is rather confusing,
14 but it is clear I think when you look at it rather closely.

15 Q. Is it not a fact that the two jobs
16 overlap?

17 A. No, they don't, not so, if I may say
18 so. The 7.5 here relates to the ending of the piloting
19 assignment of 1.8 hours. Then remains a further 23.7
20 hours which carries him over to the next morning.

21 Q. The next morning he terminated a job
22 at 7.30 and started another one at 7.10. That is what
23 I don't understand.

24 A. No, not so, as I read it. The seventh
25 assignment, 7.30 refers to the seven and a half hours in
26 the morning of the 20th. He started the next job at 7.2
27 hours on the succeeding day which is virtually 24 hours
28 later. There is no confusion there, not in that respect.
29 What is somewhat misleading is this 7.5 here but this
30 is explained by the fact that the piloting time was 1.8



1 ENGLISH

2 hours.

3 Q. Anyway Captain Jones I don't understand
4 your explanation.

5 MR. JACQUES: He doesn't understand mine
6 either my lord.

7 THE CHAIRMAN: Do you have many questions of
8 Captain Jones?

9 MR. LANGLOIS: I have a few others.

10 THE CHAIRMAN: We might adjourn now and then
11 you may study it during the adjournment.

12

13 ---Short recess.

14 ---Following short recess.

15

16 CROSS-EXAMINATION BY MR. LANGLOIS CONTINUED:

17 Q. My Lord, I don't wish to press my
18 cross-examination on the interpretation given to the
19 Exhibits but I say they are quite ambiguous.

20 THE CHAIRMAN: I wish that there be no
21 ambiguity left because we are going to look at those
22 statistics and those Exhibits and if there is ambiguity
23 in the mind of anybody, that means that we might take
24 the wrong interpretation. It must be clear. I wish no
25 ambiguity to be left.

26 MR. LANGLOIS: I have received an explanation
27 which to my mind does not clear up the matter. Probably
28 in the light of the cross-examination which would be
29 coming forward from my learned confreres and from perusal
30 of the written evidence later on, probably it would become



1 ENGLISH

2 clear.

3 THE CHAIRMAN: The ambiguity you have in your
4 mind is not only with regard to the Lafleur assignment in
5 the Saguenay River.

6 Q. Now, Captain Jones would you please
7 refer to Exhibits 734 and 736, taking 734 first. My learned
8 friend, Mr. Lalonde, worked out that the number of trips
9 done, or trips done at night was in the amount of 12 or
10 16 in that case?

11 A. At night and part of night.

12 Q. Part of the night?

13 A. Yes.

14 Q. Now take 736, is it not correct that
15 in the case of 736, 15 out of 20 jobs were either done at
16 night or partly at night?

17 A. 736, I haven't checked each item over
18 but I would be prepared to accept that statement as quite
19 plausible and quite right.

20 Q. Now I am handing over to you Exhibit
21 712. Exhibit 712, my lord, is the Exhibit filed by my
22 learned friend Mr. Brisset which is a duplicate of the
23 account for pilotage dues paid in the case of the Manchester
24 Commerce for a trip performed on August 30th and 31st
25 from Les Escoumains to Quebec. Captain Jones this Exhibit
26 would indicate that the time taken to do that job was 6
27 hours and fifteen minutes?

28 A. That is right.

29 Q. Now referring back to Exhibit 736 and
30 734, can you find many examples of jobs done in the same



1 ENGLISH

2 or about the same period of time?

3 A. No, I don't see one of 6 hours and
4 a quarter or close to that.

5 THE CHAIRMAN: In order not to be mixed up on
6 the record, I think that the two documents are not talking
7 about the same thing. One is the time of the sailing,
8 the sailing time the other is the time that the pilot was
9 aboard and the pilot might be aboard an hour prior to
10 sailing time.

11 MR. BRISSET: Not in this particular case
12 my lord, because the ship was coming up, was at Les
13 Escoumains and the pilot would board the ship as the
14 ship came in.

15 THE CHAIRMAN: I understand that. You cannot
16 compare that with the Exhibit 735, trips going down to
17 Quebec and of course the pilot would be aboard and you
18 presume that in all cases at Les Escoumains it went away
19 right away.

20 MR. BRISSET: Not this particular case. At
21 Les Escoumains the ship came in with some speed on and
22 the pilot boarded.

23 THE CHAIRMAN: In that case, of course, it
24 would agree for ships going upstream from Escoumains to
25 Quebec. This could agree with that.

26 MR. BRISSET: My learned friend remarks that
27 the ship flew all the way.

28 Q. My question related to this Captain
29 Jones: Am I right in assuming that the jobs described or
30 shown on Exhibit 734 and 736, there were apparently very



1 ENGLISH

2 few made in the Manchester Commerce?

3 A. Yes, it seems highly unlikely.

4 Q. Thank you, that is all.

5

6 CROSS-EXAMINATION BY MR. MASON:

7 Q. Captain Jones may I direct your
8 attention to Exhibit 735 concerning the hours worked by
9 the pilot Lafleur? Now it is my understanding, concerning
10 these figures in the centre column, or my understanding
11 is as follows: That Pilot Lafleur would have boarded this
12 vessel at 5.7 hours on the 20th. He would have worked 1.8
13 hours to 7.5 hours on the 20th, and then he would have
14 remained on board a total of 23.7 hours until 7.2?

15 A. Yes.

16 Q. The next morning, on the 21st?

17 A. That is correct.

18 Q. And so forth down the line. Is that
19 correct?

20 A. That is correct.

21 Q. Now I note all these three Exhibits
22 that you have filed deal with the busiest pilot in the
23 various months, and I am wondering if you would have
24 similar example for an average pilot?

25 A. We can get them.

26 Q. You don't have them?

27 A. We don't have them immediately, no.
28 They can be secured for you if the Court directs.

29 Q. Is it of some interest to the Commission?

30 THE CHAIRMAN: You will get into an argument



1 ENGLISH

2 what is the average?

3 MR. MASON: Well probably the least busy
4 pilot---

5 THE CHAIRMAN: Would you take the explanation
6 that he gave for that, by dividing by the number of pilots
7 who have done jobs in that month would be about 14 or
8 something like that?

9 THE WITNESS: Yes.

10 THE CHAIRMAN: Take that as the average, the
11 figure he gave as the average in his testimony.

12 MR. MASON: I believe there is some evidence
13 in the file which would give the average hours duration
14 on duty for the various months.

15 THE CHAIRMAN: You had an argument about that.
16 We will keep the definition he gave of the average in his
17 own testimony. We will abide by that. It will be about
18 14.

19

20 CROSS-EXAMINATION BY MR. BRISSET:

21 Will you keep Exhibit 735 before you. If I
22 may be presumptuous enough, I would like to relate the
23 story of the special job of Pilot Lafleur during this
24 month and you will correct me as I go along if I go wrong.
25 I take it Captain that a special job was to lighter a
26 large tanker lying off shore. That is correct?

27 A. That is right.

28 Q. And to lighter this large tanker, a
29 smaller ship or tanker was used?

30 A. That is right.



1 ENGLISH

2 Q. We start on the morning of the 20th at
3 5.7 hours. The pilot boards the small tanker at the wharf
4 at Chicoutimi and proceeds to the large tanker out in the
5 stream and completes his piloting job at 7.5. That is
6 one hour and .8 later. That is correct?

7 A. According to the records that is not
8 exactly the story.

9 Q. Mr. Lafleur boards the small tanker
10 at the wharf at 5.7 hours.

11 MR. LANGLOIS: My lord, there is no wharf there.

12 A. Excuse me, our records do not indicate
13 exactly that but rather that Mr. Lafleur was on the large
14 tanker, on the Irving Wood. He was on the Irving Wood.
15 This bill was primarily paid for services on the Irving
16 Wood. He was on the tanker the Irving Wood when that ship
17 was employed in a shuttle service between Chicoutimi, he
18 served to take this ship from Chicoutimi to the other
19 vessel, the Irving Dale, the larger vessel.

20 Q. In other words, the Irving Wood was
21 the lighter and the Irving Dale was the big tanker that
22 had to be lightered?

23 A. Yes.

24 THE CHAIRMAN: Excuse me, do I understand that
25 there was another pilot who brought the Irving Dale from
26 Escoumains to Chicoutimi?

27 THE WITNESS: I presume it would be so My
28 lord but if it was not so then this would have appeared
29 as another assignment earlier.

30 THE CHAIRMAN: Could have been assignment



1 ENGLISH

2 number 6?

3 THE WITNESS: The chances are that it was
4 another pilot entirely.

5 Q. All right, Pilot Lafleur served on the
6 Irving Wood, the small tanker?

7 A. Yes.

8 Q. He boarded the Irving Wood on the
9 morning of the 20th at 5.7. Is that correct?

10 A. That is right.

11 Q. Where did he board, do you know?

12 A. I don't know. The presumption is it
13 is Chicoutimi.

14 Q. At Chicoutimi?

15 A. I presume so.

16 Q. From Chicoutimi on that tanker, wherever
17 he boarded her, he proceeded somewhere else and had to
18 pilot the vessel?

19 A. Yes, I should explain that St.
20 Fulgence is something of the order of 14 miles or so
21 below Chicoutimi, approximately.

22 Q. He had to pilot the vessel a distance
23 of 14 miles and at 7.5 the same morning his job, to
24 pilot this vessel from St. Fulgence was finished?

25 A. That is correct. The piloting was
26 finished, yes.

27 Q. He remained on board for 23.7 hours
28 until 7.2 the following morning while the Irving Wood
29 was taking fuel or gas or petrol from the big tanker?

30 A. That is correct.



1 ENGLISH

2 Q. So during those 23.7 hours he could
3 sleep, play cards, eat and do what he liked?

4 A. Yes, I should think so except it may
5 be that the Master might consult him one time or another
6 about the local situation. This could easily happen.

7 Q. The following morning, at 7.2 he had
8 to move the small tanker, the Irving Wood back to a place
9 where she could be discharged. Correct?

10 A. Yes.

11 Q. And that job lasted 9.7 hours. That
12 is from 7.2 to 9 o'clock?

13 A. 1.8 hours piloting.

14 Q. 1.8 hours?

15 A. Yes.

16 Q. At 9.00 o'clock on the 21st the
17 Irving Wood was discharging the cargo, was lightered again.

18 A. The pilot was detained on board, the
19 presumption is.

20 Q. He was detained on board while the
21 lightering was going on.

22 MR. LANGLOIS: I am afraid my learned friend
23 is giving quite a bit of evidence that even the witness
24 doesn't know anything about. What happens on the ship,
25 only the pilot can tell.

26 THE CHAIRMAN: That is all right, you will
27 ask that in cross-examination. We will allow Mr. Brisset
28 to continue.

29 Q. You are a sea captain. You know what
30 lightering is.



1 ENGLISH

2 A. Well that is why I said the presumption
3 is the vessel was discharging.

4 Q. You know the lighter goes from the big
5 ship to the shore.

6 A. But I said the presumption -- for the
7 record, the statement merely states that the pilot was
8 detained on board and we assume that the vessel was dis-
9 charging but there is no record of this on the statement.

10 Q. With a normal lightering job, the
11 pilot would remain on board while the lighter takes the
12 cargo out of the big ship and while the lighter discharges
13 the cargo that he has taken out of the big ship?

14 A. That is right.

15 Q. And that is what we call a lightering
16 job, which involves movement back and forth from the big
17 ship to the shore until the lightering job is finished?

18 A. Is completed, right.

19 Q. You have told us in relation to
20 Exhibit 736, the busiest month was October 1962, during
21 which month Pilot Bouffard did 20 trips, with the average
22 number of trips per pilot during that month being 14.
23 Now referring to Exhibit 734, which was the month of
24 September 1962, the least busy month dealing with Pilot
25 Vezina, the busiest pilot, did 16 trips, I would like you
26 to tell us what was the average number of trips performed
27 by the other pilots during that month, if you have that
28 figure.

29 A. I am sorry, I don't, no. I didn't
30 get it. I should perhaps explain that these statements



1 ENGLISH

2 were made very recently and they weren't scrutinized and
3 additional information to support them produced. They
4 were merely produced as you see here and nothing further.

5 Q. Captain Jones may I impose on you and
6 ask you to complete these statements by giving us the
7 following information -- you may want to note it -- first:
8 Take before you Exhibit 734. Will you opposite each trip
9 of pilot Vezina indicate in the last column what the trip
10 was, for instance, trip or job number 1 started on September
11 2nd, which lasted 9.3 hours. Will you tell us what the
12 trip is, Quebec-Escoumains or Escoumains-Quebec, and so
13 on, down the line. If you find in any trip that there
14 is a detention, will you add so many hours detention
15 included in the total hours?

16 A. Yes.

17 Q. Will you do this for the three Exhibits,
18 734, 735 and 736?

19 A. Yes.

20 THE CHAIRMAN: Excuse me, for clarification
21 here, there should be just another column added on the
22 same Exhibit so that we do not have a duplication of
23 documents.

24 MR. BRISSET: If I may suggest, perhaps the
25 document could be retyped to include this information.

26 THE CHAIRMAN: That is right. You can have
27 it retyped, have one or two more columns added in order
28 that the information be shown.

29 THE WITNESS: Very good.

30 MR. LANGLOIS: They could perhaps change the



1 ENGLISH

2 headings of the columns.

3 THE CHAIRMAN: Wait a minute. Now in respect
4 to date, time started, you use the same wording exactly
5 in the source form, reported time and left ship time so
6 there won't be any argument about that.

7 MR. BRISSET: And duration on duty. You might
8 say duration of time on board ship.

9 THE CHAIRMAN: Might say what is the date.

10 THE WITNESS: On duty, very good.

11 Q. Now as a second document Captain Jones,
12 I would ask you to file as Exhibit 737 for the months of
13 September and October 1962 a list of the active pilots in
14 the District of Quebec with the number of voyages performed
15 by each.

16 A. With the number of trips but not
17 detentions and movages and so on?

18 Q. Trips.

19 A. Just trips alone?

20 Q. Trips, detentions and movages, if you
21 can.

22 THE CHAIRMAN: I might qualify that further.
23 You said active pilots. I would say all pilots.

24 MR. BRISSET: All pilots.

25 THE CHAIRMAN: Then we will find out whether
26 they are active or not.

27 THE WITNESS: Very good sir.

28 Q. For October and September 1962, if you
29 can.

30



1 ENGLISH

2
3 ---EXHIBIT NO. 737: List of all pilots in the District
4 of Quebec for the month of September
5 and October 1962 showing number of
6 voyages performed by each.

7 Q. If you can, will you add also in this
8 last list opposite each name of the pilot the recorded
9 number of days of absence, if you have it?

10 A. For the year 1962?

11 Q. No, just for the month of September
12 and October 1962?

13 A. Very good.

14 MR. JACQUES: Would the Commission have any
15 questions for the witness my Lord?

16 COMMISSIONER SMITH: I had some information
17 I wanted to get from Captain Jones on the question of
18 effective pilots but I perhaps could delay that until we
19 get to Ottawa, and some other information.

20 MR. JACQUES: As you please sir. It might be
21 better to delay it until we get to Ottawa because, frankly,
22 Captain Jones did not expect to give evidence this morning.

23 COMMISSIONER SMITH: I spoke to his lordship
24 about it, and he said he thought it would be preferable
25 to wait until he was able to study it up and be prepared
26 to answer the questions that were asked of him, so I will
27 delay that.

28 MR. JACQUES: Thank you sir. My Lord, this
29 concludes the evidence which I had planned to tender
30 before the Commission for the District of Quebec and as



1 ENGLISH

2 usual, My Lord, we may later on refer to the various
3 registers kept by Pilotage Authority either in Quebec or
4 in Ottawa in order to complete the information which has
5 been tendered and I have now to file, or to be attached
6 to Exhibit 591 the decision rendered by the Public Service
7 Board of the Province of Quebec in the case of the
8 Boatman Vezina, and attached to Exhibit 597 a decision
9 of the same Board in the case of the Jeffery Boatman and
10 as a fresh Exhibit, Exhibit No. 738 the decision of the
11 same Board in the case of the Three Rivers Boatmen Limited.

12

13 ---EXHIBIT NO. 738: Decision rendered by the Public
14 Service Board in the case of the
15 Three Rivers Boatmen.

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17 ---EXHIBIT NO. 739: The Decision of the Public Service
18 Board in the case of the Montreal
19 Boatmen Limited.

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1 ENGLISH

2 MR. JACQUES: I am advised by the Public
3 Service Board that they will look again into the case
4 of Montreal Boilers, Scaling and Ship Repairs which had
5 placed an application before the Board and therefore the
6 decision of the Board is not yet final.

7
8 JOHN ALAN EDWARDS, sworn

9
10 DIRECT EXAMINATION BY MR. JACQUES:

11 Q. Could you give us your full name and age?

12 A. John Alan Edwards, age 52.

13 Q. Your occupation?

14 A. Supervisor of Pilots in Cornwall.

15 Q. How long have you occupied that
16 position?

17 A. Since the spring of 1961.

18 Q. Prior to that were you in the employ
19 of the Pilotage Service?

20 A. For the previous six months.

21 Q. Prior to that did you have any
22 experience at sea?

23 A. 25 years at sea.

24 Q. Did you obtain any certificate?

25 A. Master foreign going.

26 Q. When did you obtain your Master's
27 ticket?

28 A. In May, 1938.

29 Q. Where?

30 A. At Halifax, Nova Scotia.



1 ENGLISH

2 Q. Did you serve as Master on any vessel?

3 A. Yes.

4 Q. What waters did you ply when you were
5 Master?

6 A. The North Atlantic, the Mediterranean,
7 the Indian Ocean and Caribbean.

8 Q. How long were you Master?

9 A. Two years.

10 Q. What is the type of vessels on which
11 you served as Master?

12 A. 10,000 ton ocean cargo vessels.

13 Q. Would you briefly, sir, trace the
14 history of your District, when it was created and how it
15 operates now?

16 A. The knowledge that I have of the
17 District is from the spring of 1961 when the District
18 was established in its present form as a joint pilotage
19 effort with the United States pilots participating.
20 Prior to that I know it was the Kingston, St. Lawrence,
21 Ottawa Pilotage District, but what the arrangements were
22 I don't know.

23 Q. My Lord, the Pilotage District of
24 Cornwall was created by Order in Council P.C. 1570 on
25 November 17th, 1960 with the Minister as Pilotage Authority.
26 Prior to that date the District was part of the St.
27 Lawrence, Kingston, Ottawa Pilotage District which was
28 rescinded and then created as two separate districts,
29 that is Kingston and Cornwall. Mr. Edwards deals only
30 with the Cornwall District since 1961, my Lord.



1 ENGLISH

2 MR. LALONDE: For the record would you tell
3 us when the St. Lawrence, Kingston, Ottawa District was
4 established?

5 MR. JACQUES: I wouldn't remember.

6 Q. How many pilots have you got in your
7 District?

8 A. 21 Canadian and 12 United States Pilots.

9 Q. I show you document entitled Strength
10 of the Cornwall Pilotage District as of February 14th, 1963.
11 Will you look at this document and tell me whether this is
12 the list of all the pilots or all the Canadian Pilots of
13 your District?

14 A. This is the list of pilots of the
15 Cornwall District. The District I have is the Kingston
16 District.

17 Q. Then, my lord, I have a correction to
18 make the Kingston P.C. is P.C. 1960-1571. I am sorry, my
19 lord, I haven't got the list of pilots right now. It
20 could be obtained later on. Would you state the limits,
21 from what place to what place does it extend?

22 A. The west end of the District is just
23 west of Kingston Harbour, the boundary has a bearing of
24 127 from Carruthers Point Lighthouse across Wolfe Island
25 to the shores of the United States in the State of New
26 York and the eastern end of the District is the U.S.
27 Quebec Border of the St. Lawrence, roughly about ten miles
28 east of Cornwall.

29 Q. What would be the length of the Pilotage
30 waters in the District?



1 ENGLISH

2 A. The pilots in this District pilot ships
3 from Snell Lock to the west end of the District and the
4 District is 103 statute miles.

5 Q. Would you recall how many Canadian
6 pilots you have and how many American pilots you have in
7 that district?

8 A. There are 21 Canadian pilots and 12
9 United States pilots.

10 Q. Has this number been the same since the
11 District first started to operate?

12 A. When the District first started to
13 operate there were 24 Canadian pilots and for the first
14 month or so of operation there were only 10 United States
15 pilots.

16 Q. What brought about the change in the
17 number of pilots?

18 A. In the case of the United States pilots
19 the additional appointment to bring them up to the agreed
20 strength of 12; in the case of Canadian pilots out of the
21 number of Canadian pilots in strength 20 only are employed
22 at any one time. The reduction you see was caused by
23 the transfer of pilots to the Cornwall District.

24 Q. Which is between Montreal and Cornwall?

25 A. Which is between Montreal and Cornwall.

26 Q. What happens to this 21st pilot -- 20
27 work and you say you have 21?

28 A. They are rotated. Every pilot has two
29 periods off during the season, so that there are only 20
30 pilots, 20 Canadian pilots effectively operating at any



1 ENGLISH

2 one time. These periods of leaves, this year consisted
3 of two periods in the year. Everyone had four days off
4 and now everyone is having seven days off. The decision for
5 the pilots of taking this leave is determined before the
6 commencement of the season by drawing of lots.

7 Q. When does the season commence?

8 A. On April 15th.

9 Q. When does it end?

10 A. Generally about the 30th of November or
11 first of December.

12 Q. Leave you mentioned is leave during
13 the season, of course?

14 A. It is always -- the schedule is drawn
15 up before the season commences for a period April 15th
16 to November 30th and the pilots, the Canadian pilots are
17 scheduled to have their time off to accomplish the 21
18 pilots working in 20 positions.

19 Q. They have seven days off a month?

20 A. Everyone had four days off. We started
21 off the season with each of the 21 pilots taking four days
22 off. When all had four days off the rotation of seven
23 days off was started and will finish at the end of the
24 year.

25 Q. Now they have seven days off?

26 A. Yes.

27 Q. Do you foresee that the same leave
28 system will continue, and that the pilots will have seven
29 days off a month?

30 A. This is, pardon me, four days and



1 ENGLISH

2 seven days during the season .

3 Q. During the season?

4 A. If there are 21 pilots the same
5 procedure will be adopted. If there are 20 pilots there
6 will be no leave, naturally.

7 Q. They will have the four days?

8 A. Nothing.

9 Q. Nothing at all?

10 A. No, that is the Canadian pilots in
11 the accomplishment of keeping their effective strength
12 at 20.

13 Q. Would you explain how your pilots are
14 dispatched in your District, both the Canadian and the
15 American?

16 A. There is a Dispatching Office at
17 Cornwall and a Dispatching Office at Cape Vincent. At
18 each of these offices a tour de role is maintained and
19 pilots are dispatched according to the tour de role
20 regulations.

21 Q. My Lord, I would like to file in a
22 bundle the English and French text of the District Number
23 1 tour de role as Exhibit Number?

24 THE SECRETARY: 740.

25 MR. JACQUES: 740.

26

27 ---EXHIBIT 740: French and English Text of the District
28 Number 1 tour de role.

29

30

MR. JACQUES: Would you explain to the



1 ENGLISH

2 Commission how this tour de role system works without
3 reading the document. Would you briefly summarize the
4 document?

5 A. Yes, when a pilot gets off his ship
6 he reports to the nearest pilotage office and his name is
7 put on the list, and then as new orders become available
8 the top man on the list is dispatched to the next order.

9 Q. You say reports to the nearest pilotage
10 office. How many pilotage offices are there in your
11 District?

12 A. Two.

13 Q. Cornwall? And the other one?

14 A. Cape Vincent in the City of New York.

15 Q. Which is on the American side?

16 A. Yes.

17 Q. Canadians make a report at Cape
18 Vincent?

19 A. He will report at Cape Vincent. The
20 Canadian or American pilots will report at Cornwall. They
21 appear as pilots on the tour de role without any distinction
22 as to nationality.

23 Q. In either place?

24 A. In each place, yes.

25 Q. Have you got any set rules in determin-
26 ing of this tour de role? Do you equalize the tour de
27 role every day?

28 A. We equalize it every day at 0900 and
29 2100 hours daily.

30 Q. What rules do you follow to equalize



1 ENGLISH

2 the tour de role?

3 A. "However, positions of the pilots'
4 names on the list will be adjusted at 0900 and 2100 hours
5 daily, this adjustment being applied between pilots whose
6 names are behind those who were ordered on the transfer,
7 with the pilots low on trips moving up, in order of their
8 trip totals to the second on the list etcetera. Pilots
9 on the list at 2359 are adjusted in turn at 0900 hours
10 the following morning, and the pilots on the list before
11 1200 hours are adjusted at 2100 hours that day".

12 Q. On this tour de role list do you keep
13 track of the pilots absent, not available for tour de
14 role?

15 A. Yes, the tour de role sheets kept by
16 the dispatcher will record any absences for whatever
17 reason by the pilot, and they will in turn transfer to
18 an attendance record kept by myself.

19 Q. You wouldn't have that record with
20 you, would you?

21 A. I have.

22 Q. You have?

23 A. Yes.

24 Q. Will you tell us the number of
25 absences during the last season if you have it?

26 A. I have the individual sheets. I don't
27 have the total of this.

28 Q. May I see your sheets?

29 A. This is the sheet for the pilots'
30 attendance, U.S. and Canadian and in this sheet I have



1 ENGLISH

2 the pilots' attendance, Canadian pilots for the month of
3 November and so on for the year.

4 Q. This is for the whole year?

5 A. This is for 1962.

6 Q. 1962?

7 A. Yes.

8 Q. From April, 1962 to November, 1962. Are
9 you able rapidly to tell the Commission how many days
10 absence you have in your records during 1962? Could you
11 do it month by month for the Canadian pilots and the
12 American pilots, distinguishing both?

13 A. Yes. U.S. pilots in the month of
14 November, one pilot absent for 24 days, sick; one pilot
15 absent for 3 days, sick and one pilot absent for one day.

16 Q. Any reason shown for that particular
17 one?

18 A. There is no reason indicated here for
19 that.

20 Q. Usually do you expect the pilots to
21 give their reason for being absent?

22 A. Yes.

23 Q. Both from Canadian and American?

24 A. Both from Canadian and American pilots.

25 Q. In this case can you tell the Commission
26 why you didn't obtain the reason for the absence?

27 A. I can't say whether I did or didn't
28 obtain the reason at this moment.

29 Q. Perhaps we could skip that. Normally
30



1 ENGLISH

2 you ascertain the reason for the absence?

3 A. Normally I obtain the reason for the
4 absence, whether it was sickness or the fact that the pilot
5 had gone away from his home and tried to pick up a little
6 bit of time off prior to a call. That is what I believe
7 happened in this case. Now, Canadian pilots in the month
8 of November, one pilot absent two days, sick. He has a
9 weak back. One pilot absent one day. I forgot what
10 happened there.

11 Q. You had two absences during that month?

12 A. Yes.

13 Q. How many would you have in October,
14 how many days of absence would you have in total in
15 October?

16 A. In October eleven for the United
17 States pilots and four for the Canadian pilots. September
18 nil for United States pilots and one Canadian pilot,
19 injured foot. August, three for United States pilots,
20 nil for Canadian pilots. July, three for United States
21 pilots, three for Canadian pilots. June, two for United
22 States pilots, nil for Canadian pilots. May, five for
23 United States pilots, five for Canadian pilots plus one
24 pilot off for the month of May, licence suspended.
25 April, three days off for United States pilots and fourteen
26 days off for one Canadian pilot, licence suspended.

27 Q. That was the second year of operation
28 of your District, was it not, 1962?

29 A. Yes.

30 Q. In 1961 how did the attendance record



1 ENGLISH

2 compare with the one for 1962?

3 A. I would say it was about the same.

4 Q. And this year?

5 A. This year there is a much -- there are
6 very few absences either for illness or for any other
7 reason.

8 Q. Now, sir, are you able to give the
9 Commission the qualifications of your pilots, what
10 certificates if any do they hold?

11 A. The Canadian pilots hold a pilot's
12 licence for the Kingston Pilotage District and registration
13 certificate for Lake Ontario.

14 Q. Do you know if they are in possession
15 of any certificates issued by the Minister of Transport
16 such as Mate Home Trade?

17 A. They all must be in the possession of
18 a certificate issued by the Department of Transport and
19 a record of their certificates is contained in a registra-
20 tion book in my office. I don't recall any of these
21 off hand as to what certificate they hold.

22 Q. What is the minimum requirement?

23 A. The minimum requirement will be Master
24 Inland waters.

25 Q. Will the requirements be the same for
26 the American pilots?

27 A. American pilots hold a pilotage licence
28 issued by the United States Coastguard, and in addition
29 they hold a registration certificate issued by the United
30 States Pilotage Administration which permits them to act



1 ENGLISH

2 as pilots in the District.

3 Q. Now, sir, I show you three documents
4 which apparently come from your office. Would you tell
5 the Commission what they represent?

6 A. Yes, I will. There are three -- in
7 the office at the end of the month I make up a monthly
8 summary of trips taken from the combined dispatching
9 record submitted by Cape Vincent to the office and our
10 own records, and this shows/^{for}District Pilots, the number
11 of through District trips, the number of partial District
12 trips, the number of trips dispatched from Cape Vincent
13 to Lake Ontario for a Lake trip and the number of arrivals
14 at Cape Vincent from a Lake trip.

15 Q. My lord, I would like to file these
16 documents separately since the information contained
17 varies. The first one will be filed as Exhibit 741
18 entitled monthly summary of trips for the Canadian Pilotage
19 District for the month of August, 1963.

20

21 ---EXHIBIT NO. 741: Monthly Summary of Trips for the
22 Canadian Pilotage District for the
23 month of August, 1963.

24

25 MR. JACQUES:Q.Would you explain the mention
26 "through District trips". What does that mean?

27 A. The through District trip is a trip
28 which starts at Cape Vincent and comes through to Snell
29 Lock or vice versa, regardless of whether the trip stopped
30 at intermediate ports such as Prescott. Partial District
is when a pilot is sent to Prescott to take a ship to



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1 ENGLISH

2 Cape Vincent, gets off the ship at Cape Vincent. He has
3 only made a partial transit of the District for his
4 pilotage assignment.

5 Q. I take it then that if the ship travels
6 through your District and say, stops on her way at
7 Prescott the pilot stays with her?



1 ENGLISH

2 A. Normally stay a short duration but the
3 pilot stays there.

4 Q. So if he does not stay there it would
5 appear as a partial trip?

6 A. That is right. Sometimes lake vessels
7 stay there several days or there might be some other purpose
8 why the ship dismisses a pilot there.

9 Q. Would you explain the mention undesigna-
10 ted waters trips to lake;?

11 A. Yes, undesignated waters in our case
12 is Lake Ontario, and sometimes through a shortage of pilots,
13 it is necessary for one of the District pilots to take a
14 vessel on Lake Ontario say to Toronto or Port Weller and
15 these are the dispatches from Cape Vincent to a lake
16 assignment and also the District pilots arriving from a
17 lake assignment.

18 Q. Would you explain how it came about
19 that your District pilots are allowed to go outside of the
20 District and pilot vessels on Lake Ontario?

21 A. When the District was set up, part 6
22 of the Canada Shipping Act stated, briefly, that every
23 foreign vessel should have a registered pilot on board.
24 In our District, and also in the waters of Lake Ontario,
25 however, if the vessel had on board an officer who had
26 been granted an exemption certificate, or some call it a
27 B certificate, then that vessel was relieved of the
28 requirement of having a registered pilot on board on Lake
29 Ontario.

30 Therefore, all the pilots were issued with



1 ENGLISH

2 registration certificate for Lake Ontario and were
3 assigned, in all cases where a vessel required those
4 services.

5 Q. So this part of the service is rendered
6 by your pilots, they do not pilot only within the limits
7 of your District, but do pilotage on Lake Ontario?

8 A. They do when called upon.

9 Q. I see there is a column entitled
10 "special lake pilots and Port Weller Pilots, Kingston."
11 Would you explain this please?

12 A. Yes, the bulk -- since June 26th 1962
13 the bulk of the work on the lake is supposed to be
14 handled by three Canadians and three United States Special
15 Lake Pilots.

16 Q. Do they come under you in any respect?

17 A. No. They are handled at Cape Vincent
18 as regards their dispatching and also by the U.S. Pilots'
19 Association for their invoicing and payment.

20 Q. How come they are shown on your
21 document?

22 A. This is to complete a record of the
23 traffic which occurs in the District. As a matter of
24 giving as complete a picture as possible of the traffic
25 situation.

26 Q. Now is there any particular reason
27 why the month of August was chosen for the preparation of
28 this document?

29 A. I may say that I kept a record similar
30 in form for each month of the year and when I was first



1 ENGLISH

2 alerted to attend the Commission, I supplied April, May,
3 June monthly sheets.

4 I now have July, August and September which
5 brings the record for this year up to date.

6 Q. What would be the busiest month of
7 the season in your District?

8 A. For the year 1962, May was the busiest
9 month.

10 Q. And how many District trips did you have
11 in that month?

12 A. We had 415 District trips.

13 Q. And Lake trips?

14 A. 94.

15 Q. For a total of 509.

16 A. Plus 11 trips between lake ports for
17 District one pilot, that is to say a trip between Toronto
18 and Port Weller.

19 Q. Would your lordship like to adjourn?

20 A. Yes, we will adjourn now and we will
21 resume here at 2.30 this afternoon.

22

23

24

25

26

27

28

29

30



1 ENGLISH

2 ---FOLLOWING LUNCHEON ADJOURNMENT.

3
4 MR. JACQUES: My Lord, I have an apology to
5 make. I started the evidence relating to the Great Lakes.
6 With your permission, I should like to desist and keep
7 that part of the evidence for further hearings. I believe
8 we have enough work to do as it is in Montreal, solely
9 with Montreal or the Quebec pilots.

10
11 DIRECT EXAMINATION BY MR. JACQUES CONTINUED:

12 Q. Now Mr. Edwards I believe that you do
13 the dispatching of the pilots between Cornwall and Montreal.
14 Is that correct?

15 A. Yes, the Cornwall office does this.

16 Q. Would you explain to the Commission
17 your duties in relation to these pilots between Cornwall
18 and Montreal?

19 A. My duty is to see that while they are
20 on the tour de role at the office, they are properly
21 received and dispatched to ships downbound to Montreal
22 from Cornwall.

23 Q. How do you keep your tour de role of
24 these pilots?

25 A. In similar form to the tour de role
26 for our own District.

27 Q. Apart from keeping the tour de role,
28 do you have any other duties in relation to these pilots?

29 A. Not as I see it.

30 Q. Nothing at all to do with discipline?



1 ENGLISH

2 With reporting incidents to the Department of Transport?

3 A. There are occasions when the pilots do
4 come in to me and make an accident report, which I make
5 out for them, if you might put it that way, type it out
6 on the Department form and forward it to their supervisor
7 in Montreal, Mr. Melanson.

8 Q. You have nothing to do with the collec-
9 tion of dues?

10 A. Nothing.

11 Q. Thank you sir.

12 COMMISSIONER SMITH: My Lord, I would like
13 to ask the witness a question. In connection with the
14 compulsory pilotage which you have in your District, how
15 is it working out?

16 THE WITNESS: In what respect sir?

17 COMMISSIONER SMITH: Well they must take a
18 pilot.

19 THE WITNESS: As far as I can ascertain,
20 vessels which must take a pilot do, in fact, take one.

21 COMMISSIONER SMITH: Yes, but what I am trying
22 to find out is this: What is the beneficial result, if
23 any, with compulsory pilotage in contradistinction to
24 merely payment of pilotage dues?

25 THE WITNESS: I haven't had any experience in
26 a District where any other situation but compulsory
27 pilotage was in force, and I cannot see any comparison.

28 COMMISSIONER SMITH: So you cannot make any
29 comparison?

30 THE WITNESS: No sir.



1 ENGLISH

2 COMMISSIONER SMITH: You did not have any
3 experience, so you can't make any?

4 A. No.

5 COMMISSIONER SMITH: All right.

6 THE CHAIRMAN: Does it happen that at times
7 there are no pilots available and that ships would go
8 without any?

9 THE WITNESS: We have never had a ship pass
10 through the District and not be able to supply a pilot.

11

12 CROSS-EXAMINATION BY MR. LALONDE:

13 Q. Captain Edwards, if I understood your
14 evidence well this morning, the reason for this system
15 of leave granted to pilots during the season is the excess
16 of Canadian pilots over the number provided for in the
17 International Agreement with the United States about the
18 Great Lakes, is it not?

19 A. That is correct.

20 Q. The understanding is that as soon as
21 there is a vacancy in the Cornwall District, the additional
22 pilot, the Kingston District Pilot, would be sent down
23 unless there is a retirement for some reason amongst the
24 Canadian pilots. Is that the case?

25 A. I believe that was the policy, yes.

26 Q. You have produced dispatching rules
27 of the Kingston District this morning. Do you follow
28 the same dispatching rules for the Cornwall District as
29 the Kingston one or are they different dispatching rules
30 similar to those in Montreal, the pilotage station in



1 ENGLISH

2 Montreal?

3 A. As far as I understand, they are
4 similar to those in Montreal. We do have a copy of them
5 supplied by the Montreal office which the dispatchers
6 use for making decisions on something which comes up
7 which is not in the ordinary run of things.

8 Q. You mentioned this morning about the
9 Kingston District, that the pilots were called upon to
10 perform their duties occasionally on Lake Ontario. I
11 understand you have special pilots, which appears on
12 Exhibit 741 which you produce, Special Lake Pilots.
13 How many such pilots do you have now?

14 A. There are at this time three United
15 States and three Canadian Special Lake Pilots.

16 Q. Do these pilots perform their duties
17 occasionally for the District itself, or are they licenced
18 only for Lake Ontario?

19 A. They are licenced solely for Lake
20 Ontario.

21 Q. Are they licenced to go into any port
22 in Lake Ontario?

23 A. Yes. The licence is for Lake Ontario,
24 the undesignated water on that does include ports; all
25 waters washed by Lake Ontario west of Kingston and east
26 of Port Weller.

27 MR. LALONDE: My lord, I think I would like
28 to have instructions from you in this respect. My
29 questions will deal mainly with the Kingston District
30 and I understand that my friend, Mr. Jacques, started to



1 ENGLISH

2 question on the Kingston District. I don't know whether
3 you would prefer to have Captain Edwards later on on the
4 Kingston District.

5 THE CHAIRMAN: Yes.

6 MR. LALONDE: Is that the understanding?

7 THE CHAIRMAN: That is the understanding,
8 otherwise we are going to get too much involved here in
9 Montreal. We have enough on our hands right now from
10 Escoumains up to Cornwall.

11 MR. LALONDE: Is it the understanding that
12 Captain Edwards will be recalled here?

13 THE CHAIRMAN: No. When we sit in Toronto or
14 some other place.

15 MR. LALONDE: Well my intention is to produce
16 pilots of the Kingston District here my lord, but it may
17 not be essential to have the evidence of the supervisor
18 here. In that connection the pilots are here.

19 THE CHAIRMAN: I think it is really the Ontario
20 Lakes that we did not want to touch here but you are going
21 to bring evidence with regard to the Kingston District,
22 aren't you, here?

23 MR. JACQUES: Sir my views are these: The
24 pilots from the Quebec District and from the Montreal
25 District are sitting here and I thought it would be better
26 to delay anything to do with other groups of pilots at the
27 moment, other groups than those which are directly
28 concerned with things going on in Montreal in order not
29 to keep these people waiting here uselessly and hearing
30 evidence about other Districts.



1 ENGLISH

2 Now whether we shall deal with this District
3 number one in Montreal or in Toronto, it is entirely
4 at your lordship's discretion. I have no objection to
5 dealing with District number 1 here, but later on. I
6 do think it would be better to complete the evidence as
7 regards the Montreal pilots, the Quebec pilots and also
8 pilots between Montreal and Cornwall before proceeding
9 any further. I understand that Mr. Brisset has no concern
10 with District number 1 so if we hear this evidence here,
11 it means that we have got to tie up all these men for no
12 purpose.

13 MR. LALONDE: I am sorry, I do not hear at
14 all what my friend is saying.

15 THE CHAIRMAN: While we are on the subject,
16 we are going to have a recess of three or four minutes
17 and then we will discuss what to do together informally
18 rather than have all this discussion on the record.

19

20 ---Short recess.

21 ---Following short recess.

22

23 THE CHAIRMAN: To sum up the understanding,
24 we are going to deal first with pilotage east of Cornwall
25 up to Escoumains and all the evidence is going to be
26 brought by all parties, and then when all this is finished,
27 then Commission Counsel will start with his witnesses with
28 regard to east of Kingston up to Cornwall and then it will
29 be followed by the evidence of the pilots and also others.

30



1 ENGLISH

3 CROSS-EXAMINATION BY MR. LALONDE CONTINUED:

4 Q. In connection with Exhibit 741, which
5 you have produced Captain Edwards, would you tell me
6 whether this year there has been a decrease in the number
7 of trips, or in the number of ships taking pilots crossing
8 the Kingston District?

9 A. Yes.

10 Q. There has been a decrease?

11 A. A decrease.

12 Q. Would you know by approximately what
13 number or what amount?

14 A. I would say 30 ships a month, on an
15 average.

16 Q. 30 ships a month less?

17 A. Yes.

18 Q. I understand that your salary is
19 deducted from the pilotage dues in the Kingston District.
20 Is that the case?

21 A. My salary is paid, in the first
22 instance, by the Treasury Branch of the Department of
23 Transport and my salary is deducted from the gross revenue
24 of the District and forwarded to the Receiver General in
25 Montreal.

26 Q. That is the Kingston District?

27 A. That is in the Kingston District.

28 Q. I want to come back to Cornwall District.
29 In that respect, therefore, the Department does not
30 consider that any share of your duty is to deal with



1 ENGLISH

2 Cornwall pilots. Is that the case?

3 A. It would appear so. Not monetarily,
4 anyway.

5 Q. In practice you stated that your
6 duties are connected, for the Cornwall pilots, with
7 dispatching and the occasional report?

8 A. That is correct.

9 Q. You mentioned a report about accidents.
10 Suppose there is a disciplinary matter coming up. Do you
11 have anything to do for a Cornwall pilot, do you have
12 anything to do with this or would it be up to Mr. Melanson
13 in Montreal to deal with it?

14 A. It would be up to Mr. Melanson in Montreal
15 to deal with it unless it happened on the premises of the
16 Cornwall Pilot Office, I would say.

17 Q. Excuse me?

18 A. Unless the incident occurred at the
19 Cornwall Pilot Office.

20 Q. In the office itself?

21 A. Yes.

22 THE CHAIRMAN: And then it would come under
23 your jurisdiction as a representative of the Pilotage
24 Authority?

25 THE WITNESS: Yes.

26 Q. I understand that the limits of the
27 District, of the Cornwall District as they are defined in
28 the by-laws are, as far as the western limits are concerned,
29 really a line crossing the river where you have the border
30 between the United States and Canada, roughly. Is that



1 ENGLISH

2 it?

3 A. The eastern end.

4 Q. Well I would call it the western end
5 of the Cornwall District.

6 A. Pardon me. That is correct.

7 Q. The Cornwall pilots are taking ships
8 up to the Snell Lock, which is how many miles?

9 A. Approximately ten miles.

10 Q. Do you know if there is any special
11 endorsement on the pilot's licence in the Cornwall District
12 authorizing them to pilot ships above the border between
13 Quebec and the United States, the State of New York?

14 A. I know of nothing.

15 Q. You don't know?

16 A. I don't know of anything.

17 Q. You don't know of anything?

18 A. No.

19 Q. Do you know if that part of the waters,
20 the St. Lawrence River waters is totally in the United
21 States between St. Regis and Snell Lock?

22 A. Matter of a few hundred feet.

23 Q. I refer to the channel?

24 A. Yes, you could say essentially, yes.

25 Q. And who is patrolling that area as
26 far as regulations, seamanship, and all that is concerned?
27 Is there any authority patrolling the area?

28

29

30



1 ENGLISH

2 A. I don't think there is anyone making
3 a physical patrol of it.

4 Q. Is the United States Coastguard, has
5 the United States Coastguard anybody down here?

6 A. Not that I know of.

7 Q. Have you ever had a case of an accident
8 occurring between the entrance to Snell Lock with a pilot
9 on board?

10 A. I recall several occasions where a
11 pilot has come in and rendered a report where he has had
12 some slight damage at the entrance to Snell Lock.

13 Q. Who would deal with such a case, would
14 it be the United States Authorities or Canadian Authorities?

15 A. The United States Authorities would
16 if they wanted to deal with it. I have no knowledge of
17 them dealing with any incidents reported to me which
18 reports,^I/forwarded to the Department to take what action
19 necessary.

20 Q. Do you mean to say the United States
21 Authorities would be in a position to impose disciplinary
22 measures upon the Cornwall pilots, for instance?

23 A. I would say that in the event of an
24 accident occurring in any U.S. waters whether below or
25 above Snell Lock the United States Coastguard would
26 conduct an investigation themselves and in my District
27 they would invite me to be present if it was the case of
28 a Canadian pilot and they would formulate an opinion as
29 to the cause of the accident and they would communicate
30 those findings to the Canadian Authorities for any action



1 ENGLISH

2 the Canadian Authorities would take. As far as I know
3 they have no power to impose any disciplinary action on
4 a Canadian pilot for something in U.S. waters.

5 Q. There again, I don't want to elaborate
6 on the Kingston District rules, but you have compulsory
7 pilotage inside the Kingston District?

8 A. Yes, the pilot has to be physically
9 on board.

10 Q. And you have that part between St.
11 Regis and Snell Lock which is in the Kingston District
12 is that the case?

13 A. It is within the geographical limits,
14 yes.

15 Q. Is it not a fact that certain ships,
16 and in particular I would refer you here to lake ships
17 not registered in Canada nor the United States would be
18 travelling from Snell Lock down or from Montreal up past
19 St. Regis and go to Snell Lock without a pilot on board?

20 A. That is correct.

21 Q. Has your Department or have you yourself
22 ever made any investigation or inquiry into this particular
23 situation since 1961?

24 A. The Department is aware of the
25 situation. The Department has written the owners of such
26 known vessels stating that they are obligated to carry a
27 pilot in those waters and stating that they should do so.

28 Q. Do you have a copy of such letter with
29 you that would be sent? Would you have it in your office?

30 A. I have it at my office. I haven't it



1 ENGLISH

2 here.

3 MR. BRISSET: My friend had raised the matter,
4 but I don't remember it having been filed, but I will take
5 his word for it.

6 Q. What further has been done in that
7 respect -- has anything ever been done?

8 A. Nothing to my knowledge.

9 Q. Are you aware of a vessel called the
10 CARL SCHEDAMAN?

11 A. Yes.

12 Q. Are you aware of such a vessel still
13 proceeding in the Cornwall District?

14 A. Yes.

15 Q. Above St. Regis without a pilot on
16 board?

17 A. Yes.

18 Q. Have you ever tried to collect pilotage
19 dues for such a ship?

20 A. No.

21 Q. Your answer is no, is it because you
22 are not doing collection at all and you have nothing to
23 do with it or the fact the Department hasn't tried to
24 collect the dues?

25 A. I am concerned with the physical
26 collection of pilotage dues west of Snell Lock and the
27 dispatching of pilots upbound, and this other situation is
28 a matter to my knowledge.

29 Q. Is the matter---?

30 A. To my knowledge.



1 ENGLISH

2 Q. To your knowledge only. To your
3 knowledge no bill has been sent to CARL SCHEDAMAN?

4 A. I wouldn't know anything about those.

5 Q. I see. Have you ever heard complaints
6 or reports from the pilots to the effect that such a
7 vessel would be taking on board a person by the name of
8 Captain Walsh who is not a regular member of the crew
9 but who would only be on board to pilot the ship in the
10 Cornwall District, in particular?

11 A. Yes, I know of this incident on the
12 CARL SCHEDAMAN.

13 Q. Have you ever investigated this
14 matter further?

15 A. I reported it to the Authorities and
16 have done nothing since.

17 Q. Have you heard anything from the
18 Authorities in this respect?

19 A. I can't remember.

20 Q. When you refer to the Authorities --
21 those are the Authorities, the big A in Ottawa, you are
22 referring to the Pilotage Authority in Ottawa?

23 A. Yes.

24 Q. Do you know of the case of any other
25 vessel who would be travelling in the Cornwall District,
26 particularly lake vessels not of the Dominion of Canada
27 or the United States and which would be travelling
28 without a pilot between Snell Lock and St. Regis?

29 A. One is---

30 Q. The ELMDALE, SPRUCEDALE, PINEDALE --



1 ENGLISH

2 do they fall into your category to your knowledge?

3 A. And the OUTARDE of the Quebec and
4 Ontario Transport does it.

5 Q. Apart from the CARL SCHEDAMAN case has
6 anything further been done by yourself or other departments
7 to your knowledge in connection with these vessels other
8 than the letter you referred to?

9 A. Nothing else that I know of.

10 Q. As you said the billing in the
11 Cornwall District is being done by Montreal?

12 A. That is correct.

13 Q. You wouldn't have anything to do with
14 it. Thank you, Captain.

15

16 CROSS-EXAMINATION BY MR. BRISSET:

17 Q. Captain Edwards, in connection with
18 your evidence this morning I would like to clear up one
19 or two points. First you spoke of the vacations or time
20 off given to the pilots, the Canadian pilots during the
21 season?

22 A. Yes.

23 Q. Being four days and then seven days.
24 I wasn't clear whether they were given off seven days or
25 eleven days. Would you clear that up?

26 A. Yes, at the start of the season each
27 of the 21 pilots were given four days in rotation, four
28 days for one pilot, four days for the next pilot, four
29 days for the next pilot, and so on until all 21 pilots had
30 four days off. Then the same rotation was commenced and



1 ENGLISH

2 each had seven days off making a total of eleven days for
3 each of the 21 pilots in the year.

4 Q. Now, you told us that there were two
5 dispatching offices in your District at Cornwall and at
6 Cape Vincent. Am I correct in stating that the Dispatching
7 office at Cape Vincent, which is on the American side,
8 will dispatch pilots to ships going downbound and also
9 to ships going upbound through Lake Ontario?

10 A. That is correct.

11 Q. Now, as regards the dispatching office
12 at Cornwall which is on the Canadian side, am I correct
13 in stating that this office will dispatch pilots upbound
14 from Cornwall to Kingston and downbound from Cornwall to
15 Montreal?

16 A. That is correct.

17 Q. Now, there has been mention made of
18 your disciplinary powers in your District, Captain. Will
19 you explain to me how this is exercised in relation to the
20 fact that you have American pilots and Canadian pilots
21 in your District. Let us assume that a Canadian pilot
22 has committed a breach of discipline, and I am not speaking
23 of an accident, but a breach of discipline or a breach of
24 the dispatching rules, failure to report, for instance --
25 how would you deal with such a case?

26 A. I would find out the reason for the
27 breach of discipline and in practice the breach of
28 discipline is punishable under the rules by the person
29 being removed for 24 hours from the tour de rôle or a
30 possibility of working as a pilot. There hasn't been any



1 ENGLISH

2 incident serious enough to warrant any further action.

3 Q. Let us assume that you have an American
4 pilot that might be guilty of a breach of discipline.

5 Would there be any difference in your manner of handling
6 this particular case because he is an American?

7 A. No, if he were on the Cornwall station
8 he would be dealt with exactly the same, in the same
9 manner.

10 Q. If the pilot concerned, if he be
11 Canadian or American committed his breach of discipline in
12 relation to the dispatching at the upper end of the
13 District, at Cape Vincent, who has jurisdiction in such
14 a case?

15 A. I have no jurisdiction at the Cape
16 Vincent office.

17 Q. His case will be dealt with by the
18 American Authorities?

19 A. By -- yes, the persons who are running
20 the Cape Vincent office. If it was a case of a Canadian
21 pilot I would inquire and find out what the reasons were
22 for the action to satisfy myself as to the reasonableness
23 or otherwise to their action. In the case of an American
24 pilot I would concern myself no more with the thing except
25 to see that the incident was recorded in the daily
26 attendance record.

27 Q. In the case of a Canadian pilot if you
28 are satisfied with the decision of the American Authority
29 you will implement their decision if it is within your
30 power?



1 ENGLISH

2 A. In all probability it would have been
3 implemented at that station.

4 Q. Captain, I have no further questions
5 to address to you on the topic of your administration of
6 the District, but I have been requested by my principals,
7 the Shipping Federation of Canada, if the Commission will
8 permit, to tell you that they commend you for the manner
9 in which you are administrating your District with a firm
10 hand, the discipline is good, the absences are very few
11 and far between and the services have been most efficient.

12 THE WITNESS: Thank you, sir. I think on this
13 occasion I would like to say that the pilots and myself
14 are happy to hear the sentiments expressed and thank you.

15 MR. LALONDE: May I also state that the pilots
16 themselves are very appreciative of the work done by
17 Captain Edwards.

18 MR. BRISSET: There were many questions asked
19 by my friend, Mr. Lalonde, in connection with the problem
20 that has arisen out of the relieving of pilots at Snell
21 and St. Regis and I would like to reserve the right to
22 pursue this question at a later date.

23 THE CHAIRMAN: At the end of this hearing,
24 right.

25 MR. JACQUES: Thank you very much. Mr.
26 Melanson.

27
28 MELANSON, resworn
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1 FRENCH

2

3 DIRECT EXAMINATION BY MR. JACQUES:

4 Q. Mr. Melanson, I believe that you are
5 the local supervisor of the Cornwall District in addition
6 to the Montreal District?

7 A. And Montreal Harbour.

8 Q. And the Montreal Harbour. I am showing
9 you a document which is a list of pilots in the Cornwall
10 District as at the 14th February, 1963. Could you look
11 at it and tell me if it is still up to date?

12 A. Yes, it is up to date.

13 MR. JACQUES: Well, I would like to file this
14 list as Exhibit 742. Now, I am showing you another list
15 which indicates against the name of each pilot the
16 certificate which he holds. Could you look at it and tell
17 us whether this is a correct list?

18 A. Yes, this is a correct list. I have
19 prepared it myself.

20 MR. JACQUES: I would like to file this as
21 Exhibit 743, list of pilots and the certificates that they
22 are holding.

23 THE CHAIRMAN: Do you want the two documents
24 with two different numbers?

25 MR. JACQUES: Yes.

26 THE CHAIRMAN: The first is a list of pilots
27 and the second one is a list of pilots with certificates.
28 Isn't there a duplication here?

29 MR. JACQUES: No, there is no duplication.
30 There is a list which contains the date they became pilots.



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2 ---EXHIBIT NO. 742: List of pilots in the Cornwall
District as at February 14th, 1963.

3 ---EXHIBIT NO. 743: List of pilots and the certificates
4 that they are holding.

5
6 MR. JACQUES: I am showing you another document
7 which is entitled Regulations of assignments list of the
8 Pilotage District of Cornwall. Could you please tell me
9 what is that document?

10 A. This document is similar to that
11 prepared for the Montreal District and the Montreal Harbour
12 which document enables the Dispatching Office or gives to
13 the Dispatching Office general directive to facilitate
14 their work.

15 MR. JACQUES: I would like Your Lordship to
16 file this document as Exhibit 744 entitled Regulations of
17 Assignment List Pilotage District of Montreal. Now, Mr.
18 Melanson, we haven't examined in detail the rules of --
19 it was the Cornwall District.

20
21 ---EXHIBIT NO. 744: Regulations of Assignment List of
22 the Pilotage District of Cornwall.

23
24 MR. JACQUES: Q. These rules filed as Exhibit
25 744 are they different from those applicable in the other
26 case?

27 A. No, those are general rules which
28 tend to standardize everything which happens in the
29 Cornwall District and make it almost identical with the
30 other District.



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2 Q. I am showing you now two documents
3 which contain against the name of each pilot the number
4 of sick days, number of days devoted to meetings of
5 committees, number of trips and the total income of the
6 District for the year 1961 and 1962. Could you look at
7 it and tell me if this was prepared by your office?

8 A. Yes, sir, this was prepared under my
9 supervision in my office.

10 MR. JACQUES: I would like to file these
11 two documents as a bundle as Exhibit 745 entitled
12 Breakdown of trips made by each pilot for the Cornwall
13 District for the years 1961, 1962 as well as the income
14 of the District.

15
16 ---EXHIBIT NO. 745: Breakdown of trips made by each pilot
17 for the Cornwall District for the years
18 1961, 1962 as well as the income for
19 the District.

20 MR. JACQUES: Q. Do you deal with the levying
21 of pilotage dues or dues for this District?

22 A. Yes.

23 Q. Is the procedure followed in this
24 levying or collection of dues, is it the same as the one
25 you followed for the Montreal District?

26 A. Exactly the same.

27 Q. To whom do you give the money that you
28 receive?

29 A. The Corporation of the Cornwall
30 District.



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2 Q. The cheque is made to the Corporation?

3 A. Yes, sir.

4 Q. Well, I am showing you Exhibit 645 and
5 you see the following "Travelling Expenses". Could you
6 explain this item?

7 A. When a Cornwall pilot travels, if he
8 goes to St. Lambert to pick up a vessel, he has some
9 expenses and that is carried by an article of the By-Law
10 and they have to collect since this is not really
11 pilotage. This is an expense which is reimbursed and that
12 is why the amount is not included in the total earnings
13 of the pilotage dues.

14 Q. The administration expenses of the
15 District are paid by whom in the Montreal and Cornwall
16 Districts?

17 A. Well, as far as my section in Montreal
18 is concerned it is the Department which pays.

19 Q. For Cornwall?

20 A. Well, I don't know if we have an
21 arrangement with Cornwall. I am not aware of the arrange-
22 ment there.

23 Q. But the administration that you are
24 performing or carrying out in this District is done with
25 public funds?

26 A. Yes.

27 Q. Well, the Commission was informed of
28 a survey, expert survey which was carried out and is
29 almost completed concerning the boarding of pilots at
30 St. Lambert lock. Do you know if this survey is completed?



1 FRENCH

2 A. I think that has been completed but I
3 haven't got any information, knowing whether it is or is
4 not with the Department.

5 Q. I wouldn't like to question the
6 witness on this particular point since the expert report
7 has been prepared and I would prefer rather to get Captain
8 Jones on this. On the disciplinary measures in this
9 District, do you proceed in the same way as in Montreal?

10 A. Yes.

11 Q. Do you have any difficulties with
12 discipline?

13 A. No.

14 Q. Were there any cases where you had to
15 take disciplinary measures in that District?

16 A. If there were any there weren't too many
17 because I don't even remember them.

18 Q. Are you aware of the difficulties
19 which arose when certain vessels navigated in this
20 District without a pilot?

21 A. Yes, I have heard somewhat about it.

22 Q. Could you explain these difficulties
23 to your knowledge?

24 A. Well, the representatives of the
25 Committee came to the office to see Captain Catinus and
26 discuss with him and brought forward some facts that
27 certain vessels would cross the District without employing
28 licenced pilots. They mentioned American vessels and a
29 Canadian vessel -- you mentioned before Captain Walsh
30 who is on board in this District. As regards the American



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(Jacques)

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2 vessel I went to St. Lambert and we saw two American
3 pilots that one of my friends knew by name and I even
4 asked the question from the second one, the one who was
5 picking up the American vessel the LEON FRASIER and I
6 asked whether he was coming to pilot the American vessel.
7 His answer was by nodding, meaning yes.

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1 FRENCH

2 I made a report to Captain Catinus, I made
3 a report to the Department.

4 Q. Do you have any directives or
5 instructions on these problems from the D.O.T.?

6 A. Well I have from Captain Catinus.
7 That is why I went to St. Lambert. Since I made the
8 report I never received any instructions.

9 Q. Didn't you get any instructions to
10 make a more thorough survey or appraisal?

11 A. No, I haven't got yet any instructions
12 on this.

13 Q. I think that you mentioned the other
14 day the pilots who are under contract with the Canada
15 Steamship Line?

16 A. Well yes, there are still two of these
17 pilots.

18 Q. Are you aware of the reasons which
19 cause the subdivision of the District, Montreal-Kingston?

20 A. Well no, I am not aware of the reasons.

21 Q. This happened in 1960?

22 A. This was done directly with the
23 Department.

24 Q. Thank you.

25

26 CROSS-EXAMINATION BY MR. LALONDE:

27 Q. You have mentioned Mr. Melanson, the
28 Canadian vessel on which was Captain Walsh. Did you
29 refer to the CARL SCHEDAMAN?

30 A. Yes.



1 FRENCH

2 Q. Isn't that vessel registered in Nassau?

3 A. I don't think it is a Canadian vessel,
4 that is right.

5 Q. Well in your evidence you mentioned a
6 Canadian vessel?

7 A. I made a mistake, I am sorry.

8 MR. BRISSET: My Lord, I must confess that
9 I did not understand or hear half of the evidence, and I
10 am not ready, consequently, to go on with cross-examination
11 but I would like to look at certain documents which have
12 been filed, a couple of which I haven't got.

13 THE CHAIRMAN: Would you like to take a few
14 minutes? We will have a short recess

15

16 ---Short recess.

17 ---Following short recess.

18

19 Q. Mr. Melanson could you please keep
20 before you Exhibit 745?

21 A. Yes.

22 Q. I notice that against the name of
23 pilot Guy Chartier there is a note to the effect that
24 he was absent for 30 days for committee meetings?

25 A. Yes.

26 Q. In the establishment of the assignment
27 list, do you allot turns for absences to go to meetings
28 of Committees?

29 A. Yes. Following a request of the
30 Committee itself to allot either one or two turns,



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2 according to the length of the absences to the members of
3 the Committee.

4 Q. For one day of absence, what is the
5 standard used? How many turns do you allot?

6 A. Well everything is dependent on the
7 number of trips accomplished or performed during the day,
8 because we establish an average every day.

9 Q. So you will grant a number of turns
10 that will be corresponding to the average of the number
11 of trips performed by effective pilots during the absence
12 period of the pilot who went to Committee meetings?

13 A. Normally, yes, but we always receive
14 a request from the Committee to allot one turn or two
15 turns, according to the duration of the absence.

16 Q. Do you know if, in the case of pilot
17 Guy Chartier, how many turns have been allotted for the
18 30 days absence?

19 A. Well according to the average here, 35,
20 39, he would have performed 74 trips so this would mean
21 that he would have had an average of 12 trips.

22 Q. In other words, am I to understand
23 pilot Chartier did not take back his turn on doing
24 effective trips?

25 A. No, he did not take them back as
26 indicated by the total at the end of the line, which is
27 74 while the general average is 86.

28 Q. Could you please now refer to the
29 second page of Exhibit 745 which shows the record for
30 the year 1962, and I would like to draw your attention



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2 to the name of pilot Gaston Carrignan, against whose
3 name the following note has been inserted, and I quote:
4 "For ten days training". Could you please explain to me
5 what this sentence means?

6 A. Pilot Gaston Carrignan, before his
7 arrival in the Pilotage District of Cornwall, was a member
8 of the Pilotage District of Kingston and following a
9 vacancy which occurred in Cornwall, pilot Carrignan was
10 transferred from the Kingston District to the Montreal
11 District and we gave him ten days and he attended five
12 trips between Montreal and Cornwall in order to get used
13 to the District. He already had piloted within the
14 District before but we wanted to sort of put him up to
15 date.

16 Q. Could you please now refer to pilot
17 A.A. Lagamiere against whose name the following note is
18 indicated: "Transferred 31st of May 1962." What does
19 that comment mean?

20 A. Well the same applies to pilot
21 Lagamiere. Pilot Lagamiere was a member of the Kingston
22 District and then he was transferred to the Pilotage
23 District of Cornwall on May 31st and he did just like
24 pilot Carrignan. He had a training period before being
25 in a position to pilot regularly.

26 Q. I imagine that the same comment would
27 apply to pilot P. Pelletier against whose name the
28 following note is shown, and I quote: "Transferred 17th
29 May 1962?"

30 A. Yes, exactly the same.



1 FRENCH

2 Q. Now Mr. Melanson I notice that all the
3 absences shown for the year 1962 have been shown under the
4 heading "Number of days sick." Am I to understand that
5 the reason for all the absences indicated for that
6 District, in the course of that year, were caused by
7 illness?

8 A. Yes, they are caused by illness, with
9 the exception of Gaston Carrignan who was a trainee and
10 in training and I indicated by "training" that he was
11 undergoing a training period but for all the others where
12 nothing is indicated against their name, those were days
13 allotted for illness.

14 Q. Now Mr. Melanson, could you please
15 explain to us what is the procedure followed whenever a
16 pilot is absent in your District for illness? Insofar as
17 the administration of the service is concerned?

18 A. Whenever a pilot reports that he is ill,
19 well the dispatching clerk will ask for a medical certifi-
20 cate and this medical certificate is sent to us, and if it
21 is not complete, if there is no probable date indicated
22 for the return to duty of the pilot, well then I phone
23 the physician and I ask him when, approximately, will the
24 pilot come back to duty, and as the pilot is really sick,
25 and I have a medical certificate, then we wait for this
26 pilot to sort of get cured and then get back to duty.

27 Q. Are those medical certificates given
28 to you by the pilot or the Corporation of the District?

29 A. By the pilot himself and his attending
30 physician.



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2 Q. In certain cases, in the course of the
3 year 1962, did you deem it a good idea to have a medical
4 examination by a physician chosen either by you or by the
5 Pilotage Authority?

6 A. Well for the year 1962 -- I think that
7 in the case of Mr. Ernest Chartier, if I remember correctly,
8 Mr. Chartier was requested to go before the National
9 Department of Health for a medical examination and it's
10 the only case.

11 Q. Do you request a medical certificate
12 in the case of an absence that would last only one day?

13 A. We make a request for it, but on the
14 other hand, we know that a pilot may have stomach trouble
15 and may have a kind of indigestion, only a temporary
16 illness and it is not necessary for him to consult a
17 physician and if he is absent only for one day, it is not
18 necessary.

19 Q. If a pilot reports that he is sick
20 for one day, and he tells you that he had indigestion,
21 or another kind of trouble, then you accept his word with-
22 out having him produce a medical certificate or medical
23 report?

24 A. Yes, but on the other hand we keep a
25 record and if this is too frequent an occurrence, or
26 when I sent him before the National Department of Health
27 for another medical examination.

28 Q. Were there any cases, in the course of
29 the year 1962, where an absence was recurring on the part
30 of some pilots and where you required a medical certificate?



1 FRENCH

2 A. No, only in the case of Mr. Chartier.

3 I think that his absence -- well I thought that his
4 absence seemed doubtful so I asked for this pilot to go
5 before the National Department of Health. I would have
6 to check my records.

7 Q. Mr. Melanson I can take it for granted,
8 in the case of an absence shown in the year 1962, they
9 were attributed to illness explaining such absences?

10 A. Illness, yes, and in two cases where
11 they were accidents.

12 Q. What are the two cases of accidents
13 you have mentioned?

14 A. Raymond Charland and Rene Ratte.

15 Q. Leaving aside these two special cases,
16 and if you refer to the absences of 18 days duration, 10
17 days, 10 days, and also another 10 days, I see here, is
18 there any special illness that seems to be a frequent
19 occurrence amongst the pilots of your District?

20 A. Well whenever I receive a medical
21 certificate from a physician indicating the reason for
22 the absence of a pilot -- well you will never see on the
23 medical certificate what is the nature of the illness
24 itself. I think this is a medical privilege and the
25 physician never indicates the nature of the illness on the
26 medical certificate and that is why I ask for how long
27 the pilot will be absent, if such an explanation is not
28 indicated on the medical certificate.

29 Q. Now in the case of a breach of
30 discipline in the Montreal or Cornwall District, let us



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2 say, for example, a pilot would have been reported as
3 having been intoxicated when he reported to duty, would
4 you proceed exactly in the same way as you have proceeded
5 in the District of Montreal, for example? Is the procedure
6 exactly the same?

7 A. Well in order to implement a procedure,
8 everything is dependent upon the way in which the incident
9 is related and in Cornwall I never received any report
10 about that but usually the procedure to be followed, well
11 everything will be dependent upon the way in which
12 everything is related.

13 Q. In order to make my question more
14 general, would the procedure that you would follow in
15 the Montreal and Cornwall Districts to enforce disciplin-
16 ary measure, or regulations, would it be the same that you
17 would be following in the Montreal-Quebec District?

18 A. As I mentioned previously, everything
19 is dependent upon the circumstances. A few years ago,
20 to help you out, well I received a request from a company,
21 at that time it was through the old channel system and I
22 received a request to send another pilot to Coteau to
23 replace a pilot who was ill. He couldn't go on with
24 his trip. In Montreal I told the agent that I was ready
25 to do so but I would under the condition that I would
26 receive a statement to that effect, a statement by the
27 ship Master. This was promised and finally I never
28 received such a statement either on the part of the ship
29 Master or the agent.

30 Q. So you did not pursue the investigation?



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2 A. No, I had no basic case.

3 Q. Now in the Montreal-Cornwall District
4 are you yourself empowered to impose disciplinary measures
5 or must you, as is the case in the Montreal-Quebec
6 District refer to the Pilotage Authority in Ottawa?

7 A. Now I would have to look at my by-laws
8 for a second.

9 (Witness consults by-laws) There is nothing
10 in the by-law which covers me. I have always to refer
11 to the Department, to the D.O.T. with my recommendations.

12 Q. With your recommendation sent to
13 Ottawa, and the Pilotage Authority will decide if it is
14 a good idea to interfere or not, according to your
15 recommendation?

16 A. Yes.

17 Q. Mr. Melanson I did not understand the
18 explanation you gave when you were questioned about the
19 travelling expenses reported on Exhibit 745 in the year
20 1962 as having been \$21,122.45. Could you please explain,
21 or repeat the explanation you gave?

22 A. Well the rate here, or rather the
23 by-law here states that any Cornwall pilot who goes on
24 board a ship at St. Lambert lock will in that event have
25 \$3.00 paid as travelling expenses to reach St. Lambert
26 and it's the collection of that amount which is shown in
27 that article.

28 Q. In other words, the amount of \$21,122.45
29 represents the total of the charges of \$3.00 charged to
30 the different ships on which the pilot went on board at



1 FRENCH

2 the St. Lambert lock?

3 A. Yes, and aside from that you must
4 include the transfer from one station to another and
5 also all the expenses incurred by the pilot during this
6 transfer from one station to another.

7 Q. All these expenses are charged to the
8 vessels?

9 A. Yes.

10 Q. Could you please explain to me what
11 is meant by the following heading: "Other revenue (second
12 pilot)" \$2,000.00 for the year 1962.

13 A. Well this is the rate, after the
14 first of December that is the winter rate.

15 Q. This winter rate, is it not a fact
16 Mr. Melanson, that during that period there will be two
17 pilots on board instead of one?

18 A. Yes, as indicated in the by-law.

19 Q. Do you think that a charge provided for
20 by this rate is to be paid by the vessel, whether there
21 is one or two pilots on board?

22 A. If I remember very well, the article
23 of that rate, or schedule states that extending from
24 December 1st until April 8th, the pilotage dues, rates
25 in District number 1 will be increased by \$100.00, so
26 no mention is made of one or two pilots. Mention is made
27 only of the increase in the dues.

28 Q. So that charge will be made, even if
29 the second pilot is not on board?

30 A. Yes but if we find that we have too



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2 heavy traffic to put two pilots on board, then we put
3 only one pilot but the charge is the same.

4 Q. Let us say that during the winter
5 season of 1962 or 1963, or December 1962, did it ever
6 happen that the number of available pilots was inadequate
7 and that it was, consequently, necessary to restrict one
8 pilot on board?

9 A. I would have to refer to my records
10 in order to check that out but I couldn't tell you that
11 right off.

12 Q. Now Mr. Melanson when you gave evidence
13 the other day, I had asked you to file a document that
14 you had obtained concerning the STERNO vessel?

15 A. Yes.

16 Q. The STERNO incident which occurred on
17 July 6th 1963?

18 A. Yes.

19 Q. I have before me a copy of a letter
20 which has been sent to you on July 17th, sent by the
21 Montreal Shipping Company Limited, as well as a statement
22 obtained on September 23rd 1963 and I would request you
23 to look at these documents and I wonder if you could tell
24 me if they are part of your records?

25 A. Yes. Those are the documents that I
26 have in my files and I took a copy of those in order to
27 bring them to you, upon your request.

28 Q. Would you please file these documents
29 as Exhibit 746?

30



1 FRENCH

2 ---EXHIBIT NO. 746: Copy of letter dated July 17th sent
3 by the Montreal Shipping Company
4 Limited, together with a statement
5 obtained on September 23rd 1963.

6 Q. If my memory is correct, Mr. Melanson,
7 you have told me that the pilot involved in the incident
8 of the STERNO and the THORS carrier had been withdrawn
9 from the assignment list until the following Tuesday?

10 A. Yes.

11 Q. And on the following Tuesday you put
12 his name back on the assignment list?

13 A. Yes.

14 Q. Am I to understand, due to the fact
15 that his name was put back on the assignment list, that
16 in your opinion at that time you had no reasonable reason
17 to believe that there was a breach of discipline, that
18 such a breach of discipline had been committed?

19 A. No, this was not my intention and I
20 will tell you why -- I will tell you why I put the name
21 back on the assignment list on the Tuesday: As there was
22 supposed to be a fact finding investigation on that matter,
23 if I withdrew the pilot's name from the assignment list
24 during the duration of the investigation, well that pilot
25 would, consequently be punished first and if, after the
26 investigation, nothing could be found against him, or if
27 the investigation showed that there was a grave offence,
28 well it was to avoid the pilot being punished twice, so I
29 put his name back on the assignment list and left it up
30 to the investigation to prove if he was guilty or not.



1 FRENCH

2 Q. In other words, would it be correct
3 to say that if the investigation could be done rapidly,
4 within a few days, then you would withdraw the name of the
5 pilot from the assignment list, if you have reasonable
6 doubts about the offence?

7 A. Yes, if I was sure that the investiga-
8 tion could be done in a very short while, I certainly
9 would have taken his name off the list and the first
10 vessel, the THORS carrier has already gone. We were at
11 Cap St. Michele when we saw it in transit so I already
12 had a fact missing in order to undertake a thorough
13 investigation.

14 Q. At any rate, this investigation so
15 far as you are concerned, is it over?

16 A. No, because we are expecting this
17 THORS Carrier. I have checked it again this noon, this
18 ship is expected very shortly and then we will go on board
19 and see the ship master of the THORS carrier to get
20 evidence.

21 THE CHAIRMAN: While we are looking for the
22 Exhibit, this last point which was raised, concerning
23 the pilot who was taken off the assignment list, couldn't
24 we say that the reason is not mainly penalty, but a
25 safety measure?

26 THE WITNESS: Well to take him off the
27 assignment list?

28 THE CHAIRMAN: Yes, to take him off the
29 assignment list.

30 THE WITNESS: Well if this was the case, from



1 FRENCH

2 Saturday to Tuesday he certainly has had time to recover.

3 THE CHAIRMAN: That is why I am asking why
4 you should take him off the assignment list when you don't
5 know whether he is guilty or not.

6 THE WITNESS: Well usually there is no smoke
7 without fire, and the report from my dispatching clerk
8 being his downfall, I preferred immediately to take him
9 off the assignment list so that if there was anything, it
10 could put him back there and have an inquiry.

11 THE CHAIRMAN: So it is a safety measure,
12 mostly?

13 THE WITNESS: Yes.

14
15 CROSS-EXAMINATION BY MR. LALONDE:

16 Q. Mr. Melanson, my colleague referred to
17 you the name of three pilots on Exhibit 745 who were
18 mentioned as transferred as of a certain date.

19 A. Yes.

20 Q. You mentioned that these transferred
21 pilots had been subject to, or had been subject to a
22 limited period for which they had to do over some trips
23 in order to refamiliarize themselves with the District.
24 You mentioned five trips. These three pilots, if we look
25 at Exhibit 742, 742 have been accepted as pilots in the
26 District in 1957, P. Pelletier 7th July 1957, A.A.
27 Lagamiere the 22nd November 1957 and Gaston Carrignan
28 16th July 1957. To your knowledge all these pilots were
29 on duty since 1957 in the St. Lawrence-Kingston up to
30 Ottawa until this was sub-divided in two Districts?



1 FRENCH

2 A. Yes, and before the subdivision they
3 were doing Montreal-Kingston.

4 Q. Well the five trips which were
5 required in 1962 from them were not intended to give them
6 experience in the District, but merely to have them visit
7 again their old District?

8 A. And of course to notice the few changes
9 which may have occurred in this particular part which
10 they haven't gone through for the last two years.

11 Q. Thank you.

12

13 RE-DIRECT EXAMINATION BY MR. JACQUES:

14 Q. Mr. Melanson would you produce as
15 Exhibit 747 a list of accidents in the Cornwall District
16 for the years 1961, 1962, accidents of vessels which had
17 a pilot on board?

18 A. It's the year 1962 isn't it?

19 Q. Yes, it is entitled Report of
20 Casualties involving pilots of the District of Cornwall
21 for the years 1962 and 1961.

22 THE CHAIRMAN: To avoid any objection, we
23 will make the same remark as in the past concerning the
24 word "involving".

25 Q. Well your Lordship I would like to ask
26 the pilots of the Cornwall District to indicate the name
27 of a pilot and a month for the last navigation season so
28 that we could have an extract of the superintendent's
29 log book, all details concerning this pilot.

30



1 FRENCH

2 Well, Captain Jones said that they had an
3 excellent I.B.M. machine which would give any reply very
4 quickly. I wonder if we couldn't take advantage of this
5 to have his machine do the good work with these pilots
6 as was done in Quebec and this would be scientific while
7 the information we could give as to the name of the pilot,
8 my colleague wants a complet survey for the whole year.

9 MR. JACQUES: Well, for the month which you
10 consider is the very busiest or any month, pick any month
11 you like so we can have an example of the work of a pilot
12 for one year.

13 THE CHAIRMAN: You will discuss this and
14 inquire of Captain Jones.

15 MR. BRISSET: If they were prepared on the
16 same basis as the one made in Quebec District this would
17 seem quite adequate and appropriate in the circumstances,
18 with the additions requested this morning.

19 THE CHAIRMAN: Mr. Melanson, you have said
20 earlier there were requirements concerning the winter
21 pilotage between the first December and 8th April. Is
22 there any pilotage in the winter or traffic in the winter
23 in the Cornwall District?

24 THE WITNESS: Well, there was last December,
25 your lordship, because of the number of vessels which were
26 on the lakes and which came out at the last minute --
27 and the seaway was open until 6th December, so that the
28 vessels could go out.

29 THE CHAIRMAN: When does the traffic resume.

30 THE WITNESS: At the opening of the season,



1 FRENCH

2 that is about the 10th or 15th April.

3 THE CHAIRMAN: Well then, the winter traffic
4 will be early December.

5 THE WITNESS: That is right.

6 THE CHAIRMAN: Any further questions from
7 Mr. Melanson?

8 MR. JACQUES: Thank you Mr. Melanson. This
9 completes my evidence of the Quebec, Montreal and Cornwall
10 except for the hearing of Captain Gendron on Monday morn-
11 ing and Mr. Brie on Friday morning.

12 MR. LALONDE: Your Lordship, could we read
13 over the last question and last reply of Mr. Melanson
14 which was a question asked by Mr. Jacques concerning winter
15 work.

16 THE CHAIRMAN: I asked the question and the
17 question asked --in the winter I understand work was
18 limited to the early part of December, that is after the
19 summer season has ended and the seaway is still open, that
20 is until the 6th December and in the beginning of the
21 spring there is no traffic in this District because the
22 seaway is open after the beginning of the navigation season.

23 Well, I understand there are no other witnesses
24 for this afternoon. We are then forced to adjourn until
25 tomorrow morning at ten o'clock and we will have the
26 evidence of Captain Brie.

27
28 ---Off the record discussion.

29
30 THE CHAIRMAN: We will see to that.



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Melinson, dr.ex. 8954
(Jacques)

1 FRENCH

2 Therefore the hearing is adjourned till tomorrow morning
3 at ten o'clock.

4

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL QUEBEC

VOLUME No.:

Vol. 73

DATE:

4 Oct. 1963

OFFICIAL REPORTERS

ANGUS, STONEHOUSE & CO. LTD.

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal, Quebec,
on Friday, the 4th day of
October, 1963.

COMMISSION :

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith,	Member
Harold A. Renwick,	Member
Mr. Gilbert Nadeau,	Secretary.

COMMISSION COUNSEL:

Mr. Maurice Jacques.

PRESENT:

Mr. Leopold Langlois, Q.C.	For the Canadian Merchant Service Guild.
Mr. J. Brisset, Q.C.	For the Shipping Federation of Canada.
Mr. J. Mahoney,	For the Dominion Marine Association.
Mr. Marc Lalonde	For the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots

* * * * *



1 ENGLISH

2 ---Upon resuming.

3 MR. JACQUES: My lord, the Annual Report from
4 the Local Supervisor in Montreal for the Districts of
5 Montreal, Montreal Harbour and Cornwall for the year 1962
6 has been filed. I have now a copy of the 1961 report. I
7 would like to attach to Exhibit 534. Mr. Brie.

8 FRENCH

9 JOSEPH GERARD LUCIEN BRIE, sworn

10

11 DIRECT EXAMINATION BY MR. JACQUES:

12 Q. Your full name and occupation?

13 A. Lucien Brie, Director, Marine Institute
14 at Rimouski.

15 Q. For how long have you been Director of
16 this Marine Institute of Rimouski?

17 A. Well, I am a Director of study since
18 1959 and 1961 when I was appointed Director.

19 Q. Well, I think you have had some
20 experience at sea before being a Director there?

21 A. Well, I was foreign going Captain for
22 ten years.

23 Q. You have a certificate. When did you
24 get the certificate?

25 A. September, 1954.

26 Q. I think, Mr. Brie, that you have a
27 brief to present to the Commission?

28 A. Yes.

29 Q. I would ask you please to read your
30 brief so that it can be translated simultaneously so we



1 FRENCH

2 can check this. We will ask the witness to please read
3 slowly.

4 Brief of the Navigation Section of the
5 Marine Institute of the Province of Quebec presented to
6 the Royal Commission on Pilotage.

7
8 Since the Marine Institute of the Province
9 of Quebec contributes to the training of pilots in two
10 of the Pilotage Districts on the St. Lawrence, ie.,
11 that of Quebec, Montreal and that of Quebec, Escoumains
12 we thought it might be useful to inform the members of
13 the Royal Commission on Pilotage of our thoughts or
14 ideas on the apprenticeship system used in these Districts.

15 Indeed, in the General By-Law of the Pilotage
16 District of Montreal, in the Canada Shipping Act, Part 2,
17 Article 27 (1) "The applicant for admission to the
18 Pilotage service who has been selected by the Board of
19 Examiners shall attend the Merchant Marine Institute of
20 the Province of Quebec or any other Marine school approved
21 by the Authority and recommended by the Pilots Committee
22 for a two year course in navigation and shall obtain a
23 diploma for that course".

24 A little bit further in these regulations
25 in Article 32, Chapter 2 (b) it is stated: During each
26 of the first three years of this apprenticeship the
27 apprentice shall undergo a course of instruction at the
28 Merchant Marine Institute of the Province of Quebec or
29 other Marine school approved by the Authority and recomm-
30 ended by the River Pilots Committee, such course to be



1 FRENCH

2 determined by the Board of Examiners. Furthermore in the
3 general By-Laws of the Quebec Pilotage District modifica-
4 tions of the 23rd, March, 1961, in the Canada Shipping
5 Act, Article 28 (1) it is stated: The applicant for
6 admission to the Pilotage service who has been selected
7 by the Board of Examiners shall attend the Merchant
8 Marine Institute of the Province of Quebec or any other
9 Marine school approved by the Authority and recommended
10 by the Pilots Committee for a two year course in naviga-
11 tion and shall obtain a diploma for that course.

12 On the basis of evidence gathered up to date
13 it would seem that the training course of academic and
14 specialized study at the Institute of Marine of the
15 Province of Quebec has contributed to provide to these
16 two Districts of Pilotage people having a better knowledge,
17 technical knowledge of their profession, general knowledge,
18 more thorough general knowledge and a disciplinary train-
19 ing which prepares them adequately to exercise the hard
20 profession of pilotage. It would be desirable, therefore,
21 that the other Pilotage Districts of the St. Lawrence
22 adopt the apprenticeship scheme which will enable them
23 to benefit from the advantages offered by the Institute
24 Merchant Marine Provinces of Quebec.

25 As to the other groups of pilots in Canada
26 we believe that they would benefit also, to demand their
27 future colleagues a training course specialized in an
28 Institution similar to ours. We must add, however, here
29 that there is no other Institution and the geographical
30 situation of our Institution in Rimouski is certainly



1 FRENCH

2 not one of the best.

3 On another idea we believe that there would
4 be great benefits to granting priority rights to holders
5 of certificates of navigation the higher certificate of
6 navigation on the list of pilotage applicants. This
7 would induce further pilots to improve themselves and
8 to make them, therefore, more competent people. Most of
9 the apprentices today are satisfied with the strict
10 minimum required in the District when they have made an
11 application -- I must say here instead of saying most of
12 them, it would be even more accurate to say to a great
13 number.

14 The two main objectives of this policy within
15 the present framework are the following:

16 (1) The apprentice pilots attend the course during the
17 winter and it is very difficult for them to go at sea --
18 I will start the paragraph again -- apprentice pilots
19 attend the courses during the winter and it is very
20 difficult for them to spend time at sea during their
21 apprenticeship.

(2) The limitation of inland waters, of home trade waters, and of foreign going does not enable them to spend time at sea, foreign going or home trade. To meet these difficulties we suggest first that candidates holding a certificate of first mate foreign going, Captain or Captain home trade/^{be}exempted from the first part of the course which deals with subjects other than local knowledge. The subjects such as navigation, stability of vessels, ship building etcetera are part of the knowledge required



FRENCH

from a first mate foreign going and a captain in home trade. As regards the course dealing with local knowledge they might be given during the summer season.

Second that the Royal Commission propose changes in the borders of the waters as far as (a) home trade trip would include limits of waters, inland waters now in Canada. These are given in the Canada Shipping Act, interpretation 31. (b) The home trade trip -- this is interpretation 38 of the Canada Shipping Act would be limited to a territory where the vessel would not go beyond 100 miles off the limit of the territorial waters of Canada.

(3) The training course at sea require from the candidates is far too long. These requirements have been established as many years as 100 years ago when the sense of habit had to replace the electronic machines which hadn't been produced yet by the brains of scientists. However with the development of technology vessels have become complex and demand more science than instinct. For these reasons we believe that the periods required at sea should be reduced by half to the benefit of the training course in specialized schools which will be organized.

(4) The establishment of a Merchant Marine, the units of which would be added now to the two foreign going vessels which bear the Canadian flag.

These are the ideas, Your Lordship, and members of the Commission which we hope will be constructive to the Commission and we have signed this at Rimouski on the



FRENCH

9th day of September 1963. Captain Gerard Brie; Captain Rodolphe Ouellet; Captain Roland Gendron and Monsieur Andre Belley.

Q. Well, I would like if I may file as Exhibit 748 in a bundle the programme of the Marine Institute of the Province of Quebec and other documents concerning the studies which are given at that Institute. The programme or curriculum of navigation which was established at the school, is it at the same level or higher than the requirements of the D.O.T. for foreign going certificates?

A. Well, the complete course of two years has been organized so as to create students who have exactly the knowledge to pass the examination of Second Lieutenant, foreign going. We have tried always to obtain Second Mate foreign going.

Q. The examination that you have -- during these studies, what is their level as compared to the requirements of the D.O.T. for certificates?

A. If you refer to the minimum required in various subjects, the subject such as navigation, astromical navigation, coastal navigation or the higher work we have 70% as a minimum. For the majority of the studies which are given at the Institute one would state that 70% is the minimum also.

Q. Do you teach English?

A. Well, we have a Professor of English-- English speaking Professor who speaks a little bit of French. He comes from New Brunswick and he teaches



1 FRENCH

2 English five hours a week.

3 Q. I am informed that your students who
4 have completed the two year course are considered by other
5 Institutes in the Province as having completed the
6 equivalent of grade 12; is that correct?

7 A. Yes, but since our students are
8 accepted after the second year of the scientific course,
9 this should be simply considered as additional because
10 of the highly specialized subjects such as navigation we
11 would give the equivalent of two further years which
12 would be the equivalent of grade 13, but we consider it
13 only as the equivalent of grade 12.

14 Q. Well, do you have any students who
15 having gone through the school and had certain experience
16 at sea who went to the Faculty of Sciences of the
17 Universities?

18 A. Well, the navigation now -- we have
19 never had any.

20 Q. Not in navigation but in other sections?

21 A. Yes.

22 Q. Have you been consulted before the
23 regulations of the Quebec Districts and the Montreal
24 Districts should be modified?

25 A. Well, there was a meeting organized
26 during the time of my predecessor, Captain Gendron.

27 Q. Who is that?

28 A. Captain Jacques Gendron, ex-officer
29 of the D.O.T. There was such a meeting and exchange of
30 views.



1 FRENCH

2 Q. Between whom?

3 A. Well, the Directors of the Corporation
4 of Pilots and Captain Gendron.

5 Q. Well then Captain Gendron would be
6 aware of all the negotiations which were held on the
7 subject?

8 A. Well, I believe so.

9 MR. JACQUES: Thank you very much.

10
11 ENGLISH

12 COMMISSIONER SMITH: If Your Lordship pleases
13 I would like to ask the Captain a question arising out of
14 the information contained in the syllabus on page 220 of
15 the navigation course section, I find down near the bottom
16 of the page "This disposition of Governor in Council
17 regarding piloting in limited water; duty of a pilot on
18 board a ship;" and then on page 27-1 I find duties in
19 case of collision; information to be given a pilot when
20 he comes on board; when in doubt on the bridge, what to
21 do; when and how to take the draft; what to check before
22 leaving a dock -- I don't expect you to deliver a lecture
23 on all these various topics, but how far do you go in
24 that sort of course of instruction? Is it fairly limited
25 or is it extensive? Could you please tell me something
26 about it?

27 THE WITNESS: Well, I would say it can't
28 be as extensive as it would be if we were instructing
29 future pilots only at the school. We give them enough
30 to have the minimum requirements to know the general



1 ENGLISH

2 procedure, yes, in those circumstances. For subjects
3 that are really required from an officer we will go a
4 little further. The course that we have established,
5 the navigation course with the Pilotage Authority of
6 Quebec and Montreal for their apprentices is not made
7 especially for that. It is an actual course given to all
8 candidates who wish to become officers in the Merchant
9 Navy.

10 EXHIBIT NO. 748: Program of the Marine Institute
11 and other documents concerning
12 studies given them.
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1 ENGLISH

2 THE CHAIRMAN: This is a basic course in
3 navigation?

4 THE WITNESS: This is a basic course in
5 navigation.

6 COMMISSIONER SMITH: The paragraph I read
7 there, pilotage seems to be emphasized.

8 THE WITNESS: Well actually a pilot is an
9 important part of the navigation field especially taking
10 into consideration the fact that future pilots in those
11 Districts are taking courses there so we are inclined to
12 give them the minimum training, so they understand
13 what are the functions of a pilot.

14 COMMISSIONER SMITH: You mean a little
15 extra treatment. Thank you Captain.

16
17 FRENCH

18 MR. JACQUES: If I may Your Lordship, the
19 brief of Captain Brie might be filed as Exhibit number
20 749.

21
22 ---EXHIBIT NO. 749: Brief submitted by Captain Brie.

23
24 CROSS-EXAMINATION BY MR. LALONDE:

25 Q. Captain Brie I would like first, on
26 behalf of my clients, the St. Lawrence Pilots to transmit
27 to you their gratitude for the co-operation that you
28 have constantly expressed regarding the question of
29 training apprentice pilots at the Marine School. There
30 were frequent meetings, I understand, between the



1 FRENCH

2 representatives of pilots and yourself and questions and
3 always open discussions, with a very open mind on your
4 part and they ask me to thank you officially for this
5 co-operation.

6 I notice on page 2 of your brief you say at
7 the end of the fourth paragraph that the geographic
8 situation, or location of your school at Rimouski is
9 certainly not the best. Could you elaborate on this and
10 tell us particularly what are the handicaps which affect
11 your school in Rimouski at the present time?

12 A. Well first if we consider the point
13 of view of the applicants, or candidates who come to the
14 place, according to the statistics in 1961, which covered
15 all students from the beginning of the school, that is
16 1944, we found that 73.6% of the students who went through
17 the Marine school would have preferred if the school, from
18 the point of view of distance, had been in Quebec City
19 and, therefore, it is only 26.4% of the students who were
20 closer to Rimouski.

21 In these figures we had included in the area,
22 the so-called Rimouski area which was an area which started
23 from St. Anne du la Pocatiere from the mouth of the
24 Saguenay going to the east and covering even people
25 coming from the West Indies and other places, the Maritimes
26 also.

27 Now from the point of view of training, we
28 consider that the school, to play its part adequately,
29 should be as close as possible to the working milieu.
30 The place is not too close to Rimouski and the contacts



1 FRENCH

2 between the working places are not too good.

3 Thirdly, from the point of view of professors,
4 teachers, it would be preferable to have the school in
5 a city where we have a University. Not only would that
6 enable the professors to improve themselves, but we could
7 also get professors part time in the highly specialized
8 subjects.

9 For instance, for the recruiting of professors
10 we discovered, by experience, that professors are interested
11 to come and teach in a particular school because while
12 they are teaching, they will have the possibility of
13 attending themselves some courses so this would, of
14 course, facilitate the recruitment of teachers.

15 We should not ignore other advantages of
16 having near a school the shipyards. I think this should
17 be part of the teaching, and when we are far from these
18 shipyards we cannot enable or allow the students to see
19 on the spot what is shipbuilding and, therefore, we must
20 have an organized programme which would enable us to have
21 frequent visits during the building of a ship, through
22 the various phases of the building, and this was, in
23 brief, the advantages.

24 Q. Well is there any advantage to have
25 such an Institute near a busy harbour?

26 A. Well when I referred to the working
27 atmosphere, of course if the Harbour gets all kinds of
28 vessels, and frequently, it is then possible to organize,
29 in an orderly manner, industrial visits.

30 At the present time in Rimouski we have :



1 FRENCH

2 very few ships who come to Rimouski. Most of the time
3 it is limited to small tankers and vessels which come to
4 get pulp and there are also, their visits are limited
5 because we don't have different people who come to
6 Rimouski.

7 Q. The pulp vessels are from Price
8 Brothers.

9 A. I could say also that the Academy of
10 Merchant Marine at King Point, which is located on Long
11 Island in the United States, which is in front of New
12 York, then there it is very easy for the Institute to
13 organize a visit, or visits in the Harbour of New York
14 and the office of the companies also.

15 Q. You have mentioned Quebec, do you
16 think that the harbour at Quebec represents a centre of
17 home trade on the river and that there is also a fleet
18 from the D.O.T. at Quebec Harbour which would represent
19 a certain advantage, or if that is secondary?

20 A. Yes, those would be advantages, and,
21 moreover, Quebec is more or less the geographic centre
22 of the Province of Quebec. Insofar as the students
23 are concerned, well this would be a compromise between
24 the two extremes.

25 Q. I do hope that you do not consider
26 Montreal as another extreme.

27 A. Personally I think that Montreal is
28 a harbour which is far more considerable, far more
29 important than Quebec Harbour and Montreal I think would
30 be a more ideal spot than Quebec but, on the other hand,



1 FRENCH

2 the Government of the Province of Quebec say all schools
3 should not be centralized at a given location and I think
4 this is quite creditable and as Quebec is a small harbour,
5 well it would offer our students possibilities that may
6 be as varied as those existing in Montreal but on a
7 smaller scale.

8 I think that the location would be preferable
9 to the one that we have at the present time.

10 THE CHAIRMAN: Less distractions though for
11 the students.

12 Q. Do you think it might be possible in
13 Quebec for the mates even of the Federal Fleet to be
14 interested in taking advantage of such an Institute,
15 either to teach or to follow certain courses? Do you
16 have any knowledge about that? Are you aware of the
17 opinion of the mates on this subject?

18 A. I cannot vouch for the opinion of the
19 high officials of the D.O.T. I think they can do that
20 themselves but I believe that, according to the experience
21 that we have had on the marine conditions, we have
22 organized specialized courses on radar or magnetic compass
23 or any other type of subject and it was practically
24 impossible to have a sufficient number of students in
25 order to pay the professors.

26 I know that, generally speaking, the D.O.T.
27 is in favour of their mates attending at the Institute
28 in Rimouski. I know that many of them attended the
29 courses at Rimouski and they were being paid by Ottawa
30 while following the courses. Does this answer your



1 question?

2 Q. Yes. This is the question I wanted
3 to ask you: Do you think that the space you have at your
4 disposal at the present time in the school is adequate
5 or if you have an excess of space, or too much space?

6 A. I think that we should not have more
7 than 50 students in Rimouski. We have had, some years
8 where we had to receive 100 students, which is too much.

9 At the present time we think that we should
10 have a complete year's course in the full navigation and
11 also radio communications and at the present time we
12 cannot do it on account of lack of space.

13 Q. Do you think that if the Marine
14 Institute was located in Quebec, then the Institute's
15 scope would be widened? For example, you would have
16 a greater number of students who would register than at
17 Rimouski?

18 A. Yes, I think that it has been proved
19 by statistics that even a specialized school recruits
20 its students on the location where the school is installed.
21 As Quebec has a greater population, then it would be in
22 a position to receive a greater number of students from
23 the Quebec area itself while in Rimouski, unfortunately,
24 the city is much smaller and up to now when we have had
25 five or six students from Rimouski in the course of the
26 same year, well this was considered as a good year.

27 Q. Because of the particular difficulties
28 that you have mentioned in the present location, do you
29 think that the standards of your Institute at the present
30 time are increasing or decreasing? Is that the trend?



1 FRENCH

2 A. I think that the standards, insofar
3 as qualifications of professors, is improving but insofar
4 as the teaching facilities are concerned, I think that we
5 have reached a kind of ~~most~~ point because it is practically
6 impossible to expand because there we haven't the necessary
7 space at our disposal.

8 Q. On page 2 of your brief you mentioned
9 that it would be a good idea for all the St. Lawrence
10 River Pilotage District to adopt an apprenticeship system
11 which would also allow them to take advantage of the
12 possibilities offered by the Marine Institute of the
13 Province of Quebec. Are you aware that the other Pilotage
14 Districts have requested the Pilotage Authority to adopt
15 apprenticeship?

16 A. Yes.

17 Q. Are you aware that the D.O.T. and the
18 Pilotage Authority seems to do everything in its power
19 in order to ~~see~~ such an apprenticeship ~~to be~~ adopted?

20 A. I don't know anything about that
21 officially.

22 Q. Do you know that on an unofficial
23 basis?

24 A. Well I just heard. It is only on
25 hearsay that I know of it.

26 Q. Are you aware that ship owner groups,
27 and I am referring to the Dominion Marine Association and
28 the Shipping Federation of Canada would have objected to
29 the adoption of such an apprenticeship system in other
30 Pilotage Districts on the St. Lawrence?



1 FRENCH

2 A. I have heard certain rumours to that
3 effect but I don't know about it for sure, personally.

4 Q. On page 3 I notice that you have changed
5 the words "most of the apprentices" to "a great number of
6 apprentices today are satisfied with the bare minimum."
7 Is it not a fact that on the other hand you have certain
8 apprentices who are entrusted with teaching at your
9 Merchant Marine school at the present time?

10 A. Yes, that is correct.

11 Q. Is it not a fact that there are many
12 apprentices who are holders of certificates of foreign
13 going master or coastal master?

14 A. Yes. If you allow me, I would like
15 to say something further about that. I consider that it
16 is quite an achievement for many, especially among the
17 old ones, to have succeeded in these given conditions to
18 have been able to have some time at sea and get a certifi-
19 cate of master, foreign going.

20 Q. Is it not very difficult, in the
21 present Canadian Marine Conditions, to obtain some superior
22 certificates?

23 A. Yes, because in fact in order to obtain
24 certificates of foreign going, the only possibility that
25 remains, aside from the two vessels that have been
26 mentioned previously, is to serve time on board foreign
27 ships.

28 Q. Now a little further on on page 3
29 you state that apprentice pilots may mention objections
30 to the policy that you suggest and you say the first



1 FRENCH

2 objection the apprentice pilots follow the course during
3 the winter season and it is very difficult for them to
4 make some time at sea during their apprenticeship.

5 Is it not a fact, however, that according
6 to the apprenticeship system the licence required by the
7 by-laws does not especially ask for those to be obtained
8 during their stay at the Marine School, or training period
9 at the Marine School, but can be acquired after the stage
10 of study at the Marine Institute?

11 A. Yes.

12 Q. And then the apprentice could devote
13 all of his time during the whole year to that end?

14 A. Yes.

15 Q. Now there is a certain part of your
16 teaching, I suppose, which is of a theoretical nature.
17 This is the function of the Institute, I suppose. What
18 do you have at the present time at your disposal as a
19 facility for the practical training of students?

20 A. Well we have radar equipment, and
21 Decca Navigation System, Gyros, Sperry compass, and also
22 the Brown system which we will receive in a few weeks,
23 and also an automatic electric sounding apparatus and
24 radio telephone apparatus and then direction finder and
25 also, as a matter of fact, all sorts of teaching aids.

26 Q. I would refer to the practical training
27 which would be given at sea or on the river. We have had
28 evidence that has been given to the Commission to the
29 effect that the St. Barnabe is no longer at the disposal
30 of this school. What do you have at the present time at



1 FRENCH

2 your disposal in order to provide the practical training
3 of the same order, of the same type that was to be given
4 by the St. Barnabe?

5 A. Last summer we no longer had the St.
6 Barnabe at our disposal. We had for the regular students
7 of the school, after the first year course in navigation,
8 we reached certain agreements with certain companies,
9 such as the Clarke Steamship and certain others in order
10 to allow for an apprentice's practical training period
11 to go on their own vessel.

12 As we could proceed with them only at the
13 beginning of May, we were able to send 17 students on these
14 vessels and for all practical purposes, in terms of the
15 students who followed the courses at the Marine Institute,
16 it seems this type of agreement would be even more advant-
17 ageous than having a training ship.

18 Q. Did you take part in any way whatsoever
19 in the training period during the summer season on board
20 the St. Barnabe for the apprentice pilots of the Quebec
21 District?

22 A. Yes, and we also had some mates of the
23 school on board the ship.

24 Q. Was there not such a stage also
25 organized for the apprenticeship pilots of the Montreal
26 District?

27 A. Yes.

28 Q. Do you think that a training ship is
29 extremely advantageous to that end?

30 A. I think that for the full training of



1 FRENCH

2 a pilot, it would be advisable for a ship to be put at
3 the disposal of apprentices in order for them to study the
4 environment and learn the manoeuvring along the berth.

5 I think this is absolutely essential for
6 pilots. As I said previously about training ships, I
7 was referring, of course, to students who are not necess-
8 arily apprentice pilots.

9 Q. I would like to show you a letter,
10 copy of a letter that has been sent by Captain J.E.
11 Desrosiers from the St. Barnabe vessel addressed to you,
12 dated 22nd August 1961 referring to the course of
13 apprentice pilots 11th to 20th of August, Quebec-Escoumains.
14 Did you look at this letter?

15 A. Yes.

16 Q. And this letter was actually sent to
17 you?

18 A. I don't recall exactly its contents
19 but I remember having seen the report.

20 Q. This letter seems to be a day to day
21 report of the activities on board the St. Barnabe and the
22 conduct of apprentices, and so forth?

23 My Lord, I would like to file this
24 document as Exhibit 750.

25
26 ---EXHIBIT NO. 750: Letter dated 22nd August 1951 from
27 Captain J.E. Desrosiers.

28
29 Q. Do you remember receiving such a report
30 from Captain Desrosiers in terms of the stage of training



1 FRENCH

2 for the apprentice pilots of the Montreal District?

3 A. I think I received such a report but
4 I cannot remember exactly.

5 Q. You wouldn't have such a copy on hand
6 here?

7 A. No.

8 Q. On page 3 you have the first suggestion
9 regarding the subject of the syllabus for first mate
10 foreign going or master home trade and you say that part
11 of the subject matter taught should not be taught to the
12 holders of such certificates because they are supposed
13 to be already holders of such certificates. Don't you
14 think, on the other hand, that it would be advantageous
15 for these persons, so long as they would not have any exam
16 on the subject, that they be placed in a position to follow
17 the course on these different subject matters in order to
18 refresh their memory and be more up to date?

19 A. I think if this is a question of
20 refreshing your memory, I think an examination should be
21 given when they are being forced to follow courses.
22 Perhaps you would reach the same aim.

23 Q. So you suggest the opposite. You say
24 that certain courses could be given during the summer
25 season. Who would be in a position to give such lectures
26 during the summer season?

27 A. Well naturally this would require
28 sacrifice and I know what would happen then, but none the
29 less when we had the training ship at the disposal of the
30 pilots, at that time we were able to put pilots on this



1 FRENCH

2 vessel in order to permit a good practical training on the
3 river. Now could that kind of help be given in the class-
4 room?

5 Q. I understand that the period of training
6 on the vessel had lasted about ten days but the courses
7 you are thinking of, are they not lengthier courses than
8 the stays on board the training ship?

9 A. Well if in the future another training
10 ship is put at the disposal of the apprentice pilots,
11 and there are not theoretical courses, but rather some
12 practical courses on local knowledge, well perhaps every-
13 thing could be done within ten days or a fortnight.

14 Q. Thank you.

15

16 CROSS-EXAMINATION BY MR. BRISSET:

17 Q. Captain Brie, regarding the course that
18 could be given by pilots, you also include not only
19 practical courses on board vessels but also part time
20 courses given at the school itself to a group of students?

21 A. At the present time there are certain
22 courses given through the Merchant Marine Institute to
23 the apprentice pilots during the winter, though in the
24 brief we have mentioned that certain subject matters covering
25 requirement for the certificate of first mate, foreign
26 going or master home trade should not be given and then
27 I think courses about local knowledge would be given and
28 these courses should be given by pilots who really know
29 the river.

30 Q. And these courses you have mentioned



1 FRENCH

2 as being summer courses, could they include theoretical
3 courses aside from practical courses given on location?

4 A. Well theoretical courses in terms of
5 the local knowledge, yes.

6 Q. This would mean that a pilot appointed
7 to give such lectures would go to the Marine School and
8 should, for example, give his course on a hour's basis
9 every week?

10 A. No, I don't think so. I think that
11 the ideal policy would be for a pilot to be on board a
12 small vessel with apprentices and, at the same time, he
13 could give them a theoretical and practical side of
14 the teaching on board the vessel as ~~was~~ the case at the
15 time of the St. Barnabe at the disposal of the apprentice
16 pilots.

17 Q. Taking for granted the fact that
18 the Marine School would be transferred either to Quebec
19 City or in the vicinity, do you think it would be advantag-
20 eous to obtain the services of a pilot in order to give
21 a part time course, aside from the courses on board a
22 training ship?

23 A. Amongst the pilots there are many of
24 them who are in a position to give excellent courses, not
25 only to future pilots but also to future officers, mates
26 or masters foreign going or home trade.

27 Q. So this would be a service that would
28 be given if the means were available?

29 A. Certainly, but I cannot promise anything
30 for the near future. Now our policy was always to recruit



1 FRENCH

2 the best possible candidate. If the ideal candidate is
3 a pilot, then we will try to recruit him to give lectures.

4 Q. In other words, in any specialty it
5 is quite normal to have a professional or expert in that
6 field who, while exercising his profession, gives lectures
7 at the University or an Institute?

8 A. I did not get your question.

9 Q. Repeating: It would be normal with
10 a specialty such as vessel navigation a professional person,
11 such as ^apilot, would be called upon to give lectures about
12 his own specialty as is done in the other types of
13 profession where you have some professionals who give
14 some courses at Universities or schools?

15 A. Well I think this is quite normal.
16 without asking for too great sacrifices on their part.

17

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1 FRENCH

2 Q. By whom?

3 A. Of the pilots who will be giving these
4 lectures. It is difficult to decide. Everything is
5 dependent upon the individual.

6 Q. You talked about the possible transfer
7 of the Rimouski school, transfer to Quebec. I would like
8 to ask you that when Quebec City is mentioned, could you
9 also include the vicinity of Quebec such as Levy and
10 Lauzon as a possible location?

11 A. Well, we mentioned the Quebec area.

12 Q. Do you think Levy and Lauzon would give
13 definite advantages on account of the shipyards being in
14 the vicinity?

15 A. Yes, they would be definite advantages.

16 Q. I understand that at your school
17 certain mechanical courses are given in order to train
18 future architects or engineers if they want to go on with
19 their studies?

20 A. Yes, this is correct.

21 Q. So, again in that case the proximity
22 of the shipyards would be a definite advantage?

23 A. Yes.

24 Q. I would like to come back to the
25 subject you discussed in your brief: You mentioned it
26 would help if the other Pilotage Districts of the St.
27 Lawrence adopted the apprenticeship system which would
28 allow them also to take advantage of the facilities
29 offered by the Merchant Marine Institute for Pilots of
30 Quebec. You are aware, are you not, that the other



1 FRENCH

2 Districts, other Pilotage Districts in the St. Lawrence
3 aside from those of Montreal and Quebec are the ones of
4 the Montreal Harbour and the St. Lawrence Seaway?

5 A. Yes.

6 Q. I imagine that you are aware of what is
7 accomplished by the pilots of the Montreal Harbour?

8 A. Yes.

9 Q. Is it not a fact that his work consists
10 in moving a ship from, let us say, one berth to another
11 or from one berth to the opening of the seaway?

12 A. Yes.

13 Q. Do you agree, Captain, that insofar
14 as the pilot of the Seaway is concerned that his main
15 duty is to steer a ship to the locks and take it out of
16 the locks -- is that the main duty of the Seaway pilot?

17 A. Yes.

18 Q. Do you agree, Captain, that regarding
19 this special duty, what is required from the pilot, is
20 knowledge of how to manoeuvre his ship. Are you in
21 agreement?

22 A. Yes, from a practical point of view,
23 it is always possible, naturally, to produce a kind of
24 mechanism which would perform -- a time system which would
25 do the manoeuvring. Aside from that, I think that a pilot
26 is more than a human machine designed to berth a ship.

27 Q. I think that aside from other duties,
28 for practical purposes that is their main duty?

29 A. Yes.

30 Q. It has been suggested to you that the



1 FRENCH

2 Shipping Federation wasn't in favour of an apprenticeship
3 system which would include a stage of study at the
4 Rimouski Marine School and you answered officially you
5 heard nothing in that respect but you heard it unofficially.
6 Is it not a fact at the present time, especially since the
7 St. Barnabe has been withdrawn from the School, that you
8 no longer have any vessel or means of teaching how to
9 steer a ship in order to berth or to maneouvre it or to
10 enter it in the lock?

11 A. We can't proceed with practical training
12 or teaching, only with theoretical teaching. Let us hope
13 in the future we will have a training ship at the disposal
14 -- will be at the disposal of the pilots. I can't
15 anticipate.

16 Q. Do you think in the present condition
17 the Shipping Federation which has agreed to remuneration
18 for your school is not opposed to the apprenticeship system
19 which would include a stay at your school for pilots but
20 under the present conditions the school cannot offer a
21 pilot the required apprenticeship in order to proceed with
22 the maneouvring that we have described previously. Don't
23 you think this would be the right motive?

24 A. Well, I can't know about all the
25 views
26 different/of a given policy. I didn't say definitely
27 that the ship owners were against this sytem of apprentice-
28 ship. I am convinced that they as well as the pilots know
29 we cannot train a pilot overnight, but it seems we don't
30 agree on the type of apprenticeship system.

Q. In other words the experiences that



1 FRENCH

2 pilots are acquiring to learn how to steer a ship, do
3 you think it would be advantageous for your students to
4 follow an apprenticeship programme on Government vessels
5 which tours the St. Lawrence River?

6 A. For practical apprenticeship on pilot
7 vessels is certainly practical for students who want to
8 carry on a career of officers.

9 Q. You talked about the system which has
10 been established with the Corporation of Clarke Steamships
11 and other companies. Do you think it would be advantageous
12 to establish a similar system which would allow apprentices
13 on board Government vessels?

14 A. Yes, if it is possible to organize
15 it for the apprenticeship on board the Government vessels
16 it would be as advantageous as on any vessel.

17 Q. Is it not a fact that vessels of the
18 St. Lawrence are called upon to make more manoeuvres
19 than the commercial vessels? I am thinking particularly
20 about the vessels which take care of installing sea marks
21 and looking after aids to navigation?

22 A. Well, if we talk about this strictly
23 of plain pilots, well, it would be an advantage, but if
24 we wanted to tell officers or masters I don't think it
25 would be essential for them to be near the coast line.

26 Q. I was asking my question only in
27 reference to the apprentice pilots. I wasn't clear enough?

28 A. Perhaps this would be advantageous.
29 The period of apprenticeship that is established with
30 a company or group of companies results only if those who



1 FRENCH

2 look after the training give such training in a well
3 regulated manner. Only results can tell whether the
4 results will be good or not.

5 Q. In other words for this system to
6 give good results a good co-operation would be essential
7 between your school and let us say those who operate the
8 given vessels?

9 A. I think this would be essential.

10 Q. Do you think it would be correct to
11 say that not only so far as the practical work of the
12 candidates is concerned but also their discipline -- do
13 you think the disciplinary aspect is an important

14 A. It is, I am convinced of that.

15 Q. Captain, in your brief you say here
16 the training actually required from a candidate for a
17 certificate of lieutenant or mate is too long. Now, to
18 clarify the situation on this could you tell us what is
19 the term required?

20 A. Well, for the certificates for foreign
21 going the candidate must first pass his second lieutenant
22 foreign going. He goes 40 months on a ship before passing
23 such examination. Later after obtaining the certificate
24 of second mate he must be as mate on board the vessel --
25 he must spend quite some time on board the vessel before
26 getting the certificate of first mate foreign going.
27 This is another period of 18, 24 or 30 months according
28 to the test, for the candidate at the time before passing
29 a certificate of foreign going captain. Therefore it is
30 a total of at least seven years.



1 FRENCH

2 We personally consider that this is no longer
3 necessary, to spend so much time at sea and even, and I
4 believe too for a candidate to get the most variety of
5 experience as is possible, but I think today it is possible
6 to navigate four, five years and never see a vessel
7 beaching or grounding, because this never happens and
8 even if we were theoretically believing should not an
9 apprenticeship have the time at sea the experience will
10 never be the actual life, therefore we have the other
11 factors which are essential, theoretical knowledge which
12 will enable the officers on the vessel to understand the
13 equipment which is on board, and I just wonder whether
14 today certain scientists -- that we have equipment and
15 the officers are not in the position to understand them
16 and to use them properly so I believe once you stress
17 theoretical knowledge which would be more thorough in
18 relation to the instruments on board the vessels. It is
19 not a question of a book study, but we should from now on
20 stress the spirit of the future men rather than their
21 future or manual fitness.

22 I found experience that foreign going mates
23 in the past had to do, acquire all kinds of manual knowledge
24 which are no longer required today because the kind of
25 work which was required -- which was done on the vessels
26 in the past -- they are no longer done on the vessels at
27 the present time.

28 This is incidental, but I must say one would
29 in the future demand a minimum of school training from the
30 candidates for the certificates of mate. We see they



1 FRENCH

2 require that they are grade 12 or grade 11 to be firemen
3 in Montreal. I don't see why you can't require something
4 from people who are responsible for very large ships which
5 are worth sometimes several million dollars. I think we
6 should obtain a certificate, minimum of
7 training.

8 Q. Your remarks apply also to the pilots
9 because he must have a certificate of mate now before being
10 accepted?

11 A. Well, I think Quebec, Montreal and
12 Escoumains Corporations have ~~see~~ they understand this
13 problem because they have accepted their candidates --
14 from their candidates they have to go in a specialized
15 school and they demand that they have a certificate of
16 grade 11. They certainly understand they must have
17 school training.

18 Q. Passing to another of your recommenda-
19 tions on page 4 which reads as follows: "The establishment
20 of/^aMerchant Marine^a, the units of which would be added to
21 the two foreign going vessels which at the present time
22 have the Canadian flag." You know that this is a very
23 delicate and touchy question. You know, and please
24 correct me if I am wrong, that there were several suggestions
25 made, for instance, that the operating costs of/^aMerchant
26 Marine^a would be subsidized by the Government, to quote
27 only one of the suggestions. Would you have any particular
28 suggestion when you make out that recommendation on page
29 4?

30 A. Well, we don't have particularly any



1 FRENCH

2 suggestions. We presented simply this -- it is normal
3 for any country which wants to influence world practice --
4 why if this should cost money or subsidizing for the
5 building and the operation of such a Merchant Marine --
6 I think it is logical for a country which ~~has reached~~
7 a certain level from the international point of view, it
8 should have at least a nucleus of a Merchant Marine, and
9 I think the nucleus is very small at the present time.

10

11 CROSS-EXAMINATION BY MR. LALONDE:

12 Q. Captain Brie, my colleague, Mr.
13 Brisset, asked a few questions concerning the District of
14 Cornwall and Kingston in particular. Since you are
15 directing an apprenticeship system fairly important in
16 the cases where navigation in the District is particularly
17 long and that it is not only a movage like in the Montreal
18 Harbour, and also pilotage on the river -- do you think
19 that this constitutes^a/particular reason for an apprentice-
20 ship system or do you believe that this apprenticeship
21 system should be applied to all bodies of pilotage in the
22 Montreal Harbour?

23 A. Well, I think this should be applied
24 to all kinds of pilotage. I think this is even more
25 important because the distances to cover are more consider-
26 able and I think that in the Montreal Harbour one should
27 demand the apprenticeship and not satisfy oneself with
28 learning only how to dock a vessel along the piers.

29

30



1 ENGLISH

2 COMMISSIONER SMITH: If Your Lordship pleases,
3 the question raised by Mr. Brisset about the Canadian
4 Merchant Marine development. As you know, Captain, we
5 had one after the first war and it pretty well folded up.
6 What the reasons were I don't know and it would be too long
7 to repeat if I did know it. Would you have any suggestions
8 that might avoid the pitfalls of the first experiment in
9 the Canadian Government with the Merchant Marines?

10 THE WITNESS: This question is full of dynamite
11 and especially at a time when the Government is une tutelle
12 des syndicats -- trusteeship of the main syndicate. How to
13 avoid this syndicate -- you mentioned there were many
14 reasons and you went on to say which actually did the
15 most. I don't think I am in the particular position to
16 know myself what to avoid especially. You may say there
17 is one thing in particular I have in mind that is to
18 prevent the ~~touch~~ from Maritime syndicates. I think this
19 would be one help and also to have the Merchant Navy pay
20 most the subsidization from the Government, for the build-
21 ing, not for the operation.

22

23 FRENCH

24 THE CHAIRMAN: To sum up we might say that
25 pilotage is a specialization of the professional sailor?

26 THE WITNESS: Well, yes, I think you are right.

27 THE CHAIRMAN: Your school is not a training school
28 for pilots?

29 THE WITNESS: No, sir.

30 THE CHAIRMAN: Properly speaking.



1 FRENCH

2 THE WITNESS: No.

3 THE CHAIRMAN: It is a school to train sailors?

4 THE WITNESS: Yes.

5 THE CHAIRMAN: So you give a basic course which
6 can be used by everybody and which could be replaced by a
7 practical course stemming from the old formula which was
8 requiring only a practical training course?

9 THE WITNESS: Yes.

10 THE CHAIRMAN: Well then you have a theoretical
11 study which is supplemented by a training course and that
12 is why you ask for this practical part to be reduced
13 considerably in view of the more thorough knowledge from
14 the technical point of view which is acquired and which
15 will probably never be acquired by somebody at sea no
16 matter how long he stays there?

17 THE WITNESS: Yes.

18 THE CHAIRMAN: Well now, at sea, I understand
19 that if the radar and the other equipment, if they under-
20 stand these -- they will learn to understand from the
21 others how to use it, but if the others don't know how
22 to use it unless they go to a specialized school for
23 pilots.

24 THE WITNESS: No.

25 THE CHAIRMAN: That is what we should clear
26 up and avoid confusion.

27 THE WITNESS: Excuse me, that is why we had
28 studies which are more specialized, but this is not the
29 main objective of the school.

30 THE CHAIRMAN: Well this could be the ultimate



1 FRENCH

2 aim of your school if you were well organized. In other
3 countries are you aware of what happened in other countries?

4 THE WITNESS: Well, I know it is followed. I
5 haven't done any specialized study on these.

6 THE CHAIRMAN: I understand your school is
7 unique in Canada. There is no similar school here. Is
8 there any similar school in the United States?

9 THE WITNESS: Well, yes, there is in Kings
10 Point, San Francisco and Los Angeles, but the main one is
11 Kings Point.

12 THE CHAIRMAN: Do you know if they have any
13 in Europe?

14 THE WITNESS: Yes, you have in Conway in
15 England. That is one of the main ones.

16 THE CHAIRMAN: That is why your school is
17 creating a number of problems, because it is new in this
18 country.

19 THE WITNESS: Yes, even if it exists since
20 1946 and it is a fairly new school.

21

22 ENGLISH

23 COMMISSIONER ~~BENWOLCK~~: When we were visiting
24 the institutions last month I recall one or more students
25 outside the Province of Quebec. What status do those
26 students have when they put their time in in the institute,
27 do they qualify for pilotage in the Quebec District? That
28 is question number 1, part number 1?

29 THE WITNESS: Well, actually we don't decide
30 which candidates are going to go for the pilotage.



1 ENGLISH

2 COMMISSIONER RENWICK: I am thinking strictly
3 of pilotage in this question. They would qualify as a
4 Quebec pilot?

5 THE WITNESS: They would qualify.

6 COMMISSIONER RENWICK: Inversely, suppose they
7 go back to another province -- does this give them^a leg-up
8 -- I suppose the answer would be from the D.O.T., would
9 that give them a leg-up to become a pilot in the other
10 Maritime parts of our country?

11 THE WITNESS: I think it is difficult to
12 transfer a pilot from one place to another. You mean to
13 say on the stage of apprenticeship?

14 COMMISSIONER RENWICK: Yes.

15 THE WITNESS: I would imagine general
16 apprenticeship, on the basis of the Marine Institute at
17 Rimouski is no different for the candidate whether Maritime
18 or on the west coast. It could help them immensely whether
19 they belong to one coast or another.

20 COMMISSIONER RENWICK: Thank you.

22 FRENCH

23 THE CHAIRMAN: Any further questions?

25 ENGLISH

26 MR. JACQUES: In other words that aspect of
27 your course in respect to pilotage is not directed to the
28 pilotage in the St. Lawrence River particularly. It is
29 directed towards pilotage in general?

30 THE WITNESS: That is correct.



1 ENGLISH

2 THE CHAIRMAN: It would be applicable anywhere
3 else in the world.

4
5 FRENCH

6 THE CHAIRMAN: Thank you, Captain Brie.

7
8 ENGLISH

9 MR. MASON: If it pleases the Commission
10 there is a school that has been started by the Department
11 of Education in Ontario, the Marine School in Toronto,
12 and when the Commission visits Toronto you might like to
13 make some sort of comparison. Their courses are not
14 designed for pilotage on the St. Lawrence River, of course,
15 but a straight Maritime School. You might like to consider
16 their syllabus.

17 THE CHAIRMAN: Right. Thank you.

18
19 FRENCH

20 THE CHAIRMAN: Thank you, Captain Brie.

21
22 ENGLISH

23 THE WITNESS: I would like to say I am
24 thankful to have had the opportunity of giving a little
25 more publicity on the Institute.

26
27 FRENCH

28 THE CHAIRMAN: I understand, Mr. Jacques,
29 that your evidence is completed except for Captain Gendron
30 who will come Monday.



1 FRENCH

2 MR. JACQUES: Yes, Your Lordship.

3 MR. LALONDE: I conclude therefore I will
4 have now to present some evidence. It is already 11.25,
5 almost 11.25 and if it is convenient to you to recess
6 now this might accelerate the presentation of evidence
7 later.

8 THE CHAIRMAN: Yes, certainly we will have a
9 short recess.

10

11 ---Short recess.

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1 FRENCH

2 ANDRE CLAUDE BERNARD BEDARD, sworn

3 DIRECT EXAMINATION BY MR. LALONDE:

4 Q. Mr. Bedard could you give us your
5 complete name and your age?

6 A. Andre Claude Bernard Bedard, 36 years
7 old.

8 Q. And what is your profession at the
9 present time?

10 A. I am a pilot of the District of
11 Quebec, that is from Quebec to Les Escoumains.

12 Q. Since when are you a pilot of this
13 District?

14 A. I am a pilot since 3rd March 1958.

15 Q. I imagine that before that date you
16 were an apprentice in that District?

17 A. Yes. I took my licence as apprentice
18 pilot on 18th March 1953.

19 Q. And you were an apprentice from 1953
20 to 1958?

21 A. Yes.

22 Q. Could you tell the Commission what was
23 your experience at sea before that? Prior to 1953?

24 A. Well I began my career at the age of
25 18 years old and I navigated constantly from 1944 to 1951
26 -- the end of 1951. My first foreign going vessel was a
27 Greek vessel with a name like AJIOS GEORGIOS. Later I
28 assisted in the MANNING POOL and I navigated for Clarke
29 Steamships as ordinary seaman and able seaman and when the
30 MANNING POOL completed its operation, I joined -- I was



1 FRENCH

2 forced to join an organization which was called Canadian
3 Seamens' Union. Having had difficulties with them, I had
4 to withdraw from this organization. They wanted to impose
5 on me the purchase of the Daily Worker, a ~~paper~~ called
6 the Daily Worker and after trouble, I had to withdraw and
7 I was informed then I could never navigate again on a
8 Canadian Ship but thanks to an influencial person who
9 interceded for me, I entered the Saguenay Terminal as
10 cadet officer and I completed my time at sea as cadet
11 officer to obtain a licence of second mate, foreign going
12 at St. John New Brunswick in January 1951.

13 During my time as cadet officer, I served for
14 approximately one year as third mate on this vessel and
15 after obtaining my licence, I went back for almost a year
16 as third and second mate for the same company. At the
17 end of 1951, not being certain whether or not I would
18 become an apprentice pilot since the District By-laws at
19 that time said that after the age of 25 we would be too
20 old to be called upon as a pilot, and not wishing to
21 ~~redrive~~ a foreign going career, or coastal home trade
22 career, I worked some more time and in the meantime the
23 law was amended and those who had navigated during the war
24 were allowed to remain on the list of applicant apprentice
25 pilots until the age of 30.

26 Therefore, when I was called as an apprentice
27 pilot I was 26 years old.

28 Q. When did you put your name on the
29 list of apprentices in the Quebec District, of applicant
30 apprentices?



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2 A. Well I will make some quick calculations.
3 I gave my name at 17, I am now 36, so it was 19 years ago.
4 It was in 1944, therefore.

5 Q. During your apprenticeship did you do
6 any further or extra time at sea or did you spend all your
7 time for apprenticeship?

8 A. Well extra time at sea during my
9 apprenticeship was very restricted. It was a delivery of
10 a small vessel from Quebec to New Orleans and it was
11 about six weeks and it was the only time I spent at sea
12 when I was an apprentice.

13 Q. When you were accepted as a pilot, I
14 imagine that you took your examination with the Board of
15 Examiners similar to the one described to this Commission,
16 that is composed of three pilots and two representatives
17 of the D.O.T.?

18 A. Yes.

19 Q. Once you had passed this examination,
20 did you go into the Association of Licenced Pilots for
21 the Quebec Harbour and Below?

22 A. Yes. Once the examination was
23 completed, the President at the time asked me to go to the
24 office of the Association in order to join the Association
25 of Licenced Pilots for Quebec Harbour and Below.

26 Q. At that time did you know that you
27 had passed your examination and you would get your licence?

28 A. Yes. Well I had been told that my
29 examination had been successful and that I would get my
30 licence soon.



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2 Q. What happened when the President asked
3 you to come into this Association?

4 A. Well the President asked me if I wanted
5 to sign the membership or application form for the
6 Association and I asked for some explanation on the
7 participation in the common fund or the pool. I asked
8 for how long I was committing myself. I asked the
9 Secretary-Treasurer to show me the financial statement of
10 the Association for the last two or three years, which
11 was done very quickly, and then I decided to sign with
12 two other colleagues who had passed the examination at
13 the same time I did.

14 Q. Were there two other colleagues with
15 you when you signed?

16 A. One only was with me and the second
17 one signed later.

18 Q. Well the one who was with you asked
19 the same questions as you did?

20 A. Well this colleague and myself, we had
21 studied all winter together to be prepared for the
22 examination and we had asked some questions and we had
23 not got an answer to these questions so we took this
24 opportunity to get the explanation on this subject.

25 Q. How long after having passed your
26 examination did you receive your licence from the D.O.T. ?

27 A. I couldn't say exactly. I think one
28 month, perhaps.

29 Q. After you became a member of the
30 Association of Licenced Pilots for the Quebec Harbour and



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2 Below in 1958, did you hold any official post in this
3 Association?

4 A. Yes. At the General Assembly on the
5 second Wednesday of January 1960 I was nominated for the
6 post of Administrator and I was elected by the General
7 Assembly of the members.

8 Q. 1960 is the date during which was
9 established the Corporation of the Lower St. Lawrence
10 Pilots. Did you hold any official function in this
11 Corporation also?

12 A. Yes. At the General Assembly of the
13 second Wednesday of January 1960 of the Association of
14 Licenced Pilots of the Quebec Harbour and Below the
15 proposal was, or a motion was presented to the effect
16 that the By-laws were a little bit old and that it would
17 be preferable to have a complete revision of the By-law.

18 If I remember correctly, I seconded this
19 motion and then the Board of Directors appointed me
20 Chairman of the Committee which was to deal with this.

21 This Committee was set up with pilots of
22 different ages and we proceeded to a complete revision of
23 the By-laws of the Association. We asked for the advice
24 of a legal adviser who studied these regulations with us
25 and advised us to change the mode of the Association into
26 a Corporation.

27 Q. We had evidence in Quebec that the
28 same Board of Directors went as Board of Directors for the
29 Corporation until January 1961?

30 A. Yes.



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2 Q. Did you continue in 1961 to hold an
3 official post in the Association and the Corporation?

4 A. Yes. In 1961 I was elected as Vice-
5 President of the two organizations and also Administrator
6 of the pension fund.

7 Q. Until when did you hold these functions?

8 A. Well until the next General Assembly
9 in January 1962 when I was elected again Administrator
10 but being, in February of the same year or in March,
11 having been elected in the Federation of Pilots of the
12 St. Lawrence River I resigned from my function in the
13 Corporation and Association of Quebec District.

14 Q. Before February 1962 were you holding
15 any post in the Federation of St. Lawrence Pilots?

16 A. Well yes. After my election on the
17 Board of Directors of the Association of Licenced Pilots
18 for the Quebec Harbour and Below in 1960, I was appointed
19 by the members of this Association as a representative on
20 the Board of Directors of the Federation of St. Lawrence
21 Pilots. At the election of Administrators of this
22 Federation of St. Lawrence Pilots I got the post as
23 Secretary of the Federation of the St. Lawrence Pilots.

24 Q. And did you remain as a Secretary
25 until you were elected as a President in 1962?

26 A. Yes, that is correct.

27 Q. Who occupied that office as President
28 of the Federation of the St. Lawrence Pilots?

29 A. The first President was Mr. Paul Bailly
30 who had his term of office from the creation or establish-



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2 ment of that Federation up until the winter of 1962.

3 Q. Could you please tell me in what
4 Pilotage District he was performing his duties?

5 A. In the District from Quebec to Montreal.

6 Q. Had there been an election for the
7 President? Was the election contested at your election
8 in 1962 when you became a President?

9 A. No.

10 Q. Now since January 1962 you were,
11 consequently, the President of the Federation and I
12 suppose that you have been re-elected at the Annual
13 General Meeting of this year, that is 1963?

14 A. Yes, that is correct.

15 Q. Could you please tell the Commission
16 when was the Federation of the St. Lawrence Pilots estab-
17 lished?

18 A. The minute book indicates that preparat-
19 ory Committee started its work on this draft Federation
20 on September 8th 1959 and that the Letters Patent have
21 been issued by the Secretary of State on November 5th
22 1959.

23 Q. Prior to these official negotiations,
24 what were the preliminary stages for the establishment
25 of the Federation and what conditions or circumstances
26 have promoted the establishment of such an organization?

27 A. Well I would like to talk about the way,
28 or the procedure that was followed in the District where
29 I am a pilot. At that time, in 1959, you must recall that
30 Bill S-3 had been submitted, and that bill represented



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2 a great deal of danger for the welfare of pilots and, in
3 our opinion, for safety of navigation so the pilots
4 grouped themselves unofficially in order to make repres-
5 entations, and finally, this bill, S-3, was withdrawn from
6 the House of Commons.

7 Later on we found out that being gathered in
8 a group it is advantageous to have strengthened represent-
9 ation and that that way expenses were being shared by
10 different groups and that is when we thought about this
11 project of the Federation of the St. Lawrence Pilots.
12 The group it was concerned with at that time convened
13 some meetings and explained to the members what the
14 Federation of the St. Lawrence Pilots would consist of,
15 giving them the first draft project and asking the members
16 to study it, and, if necessary, to suggest any amendments
17 or any suggestions or recommendations that would be
18 constructive.

19 If I remember, there was a second study of
20 that draft project which was submitted to the members who
21 had the opportunity of voicing their opinion on that
22 document.

23 Q. Now you are talking about the procedure
24 followed within your own District?

25 A. Yes. I suppose this is the same
26 procedure that was followed elsewhere, but I cannot
27 give evidence about it.

28 Q. I would like to show you a document
29 entitled "Federation of St. Lawrence Pilots Letters Patent
30 of Incorporation dated November 5th 1959, General By-Law



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2 Number 1, September 8th 1959." This document is both
3 in English and in French. Would you please tell me if
4 this constitutes the Letters Patent and the By-Laws of
5 the Federation as you know them?

6 A. Yes. This is correct insofar as the
7 French text is concerned but in the English text two
8 amendments have not been inserted as yet.

9 Q. Before filing these documents, I can
10 do two things My Lord: Either read the two amendments
11 which are not lengthy, so that they may be officially
12 filed, or I can have them typed and inserted in the
13 English text so that both documents are identical.

14 THE CHAIRMAN: Perhaps the latter procedure
15 would be best.

16 Q. Perhaps I could read them out immediately,
17 at any rate. The first amendment affects Article 8 of
18 the By-laws which is amended by adding the following
19 paragraph which reads as follows: "However, as of the
20 1st of April 1960 an additional member is appointed to the
21 Board of Directors to represent the member group, to which
22 the President belongs. This member is appointed by the
23 Board of Directors of the Federation upon recommendation
24 of the Board of Directors of the member group concerned.
25 This appointment must be made within 60 days following the
26 election of the President."

27 The second amendment deals with Article 11
28 of the General By-laws number 1 which is modified by
29 revising paragraph (b) with the following, the sub-paragraph
30 (b) reads as follows: "Directors remaining in office shall



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2 fill any vacancy by appointing a new Director who shall
3 be recommended by the Board of Directors of the member
4 group concerned. A special General Meeting of the
5 delegate members called for this purpose may also fill
6 any vacancy in accordance with the procedure provided in
7 Article 9 if the Directors fail to do so within 30 days
8 following the vacancy."

9 Article 18 of General By-Law number 1 is
10 also modified by adding the following paragraph at the
11 end: "The President exercises voting rights at the
12 assemblies of the Board of Directors and the other
13 assemblies of the Federation only in the case of tie
14 votes."

15 I would like to file a copy of the English
16 and French copy certified by the Secretary, with the
17 restriction as regards the certificate for the English
18 copy which applies as long as the amendments that I have
19 mentioned will be inserted.

20

21 ---EXHIBIT NO. 751: Copy of French and English text of
22 of the Letters Patent and the By-Laws
23 of the Federation.

24

25 Q. Could you please explain Mr. Bedard to
26 the Commission what are the aims, the general aims of the
27 Federation of Lower St. Lawrence Pilots? I am not asking
28 you to repeat simply what can be found under Article or
29 Section 2 of the By-Laws, as well as in the Letters Patent,
30 but could you explain, in your own words what to your
own mind is the primary purpose of the Federation of the



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2 St. Lawrence Pilots?

3 A. Well in order to follow the original
4 order of ideas, perhaps I may refer to certain articles
5 and perhaps elaborate on some of them, perhaps it would
6 be a simpler procedure to follow.

7 First of all, as indicated on page 2 of
8 this Exhibit 751, to unite in a Federation the different
9 groups of St. Lawrence River and Great Lakes Pilots. This
10 means that the groups either of the Corporation or Assoc-
11 iation of Pilots on the St. Lawrence River are members
12 and not member pilots on an individual basis. They are
13 members only on a collective basis.

14 Section (b), to promote and maintain profess-
15 ional interests of pilots licenced for any of the St.
16 Lawrence River or Great Lakes District. By that we mean
17 something that is collective or common to the member
18 groups.

19 The Federation of Pilots does not wish to
20 tackle problems and settle them or find solutions to these
21 problems when these problems exist only within one District.
22 Our intention, and it was our intention in the past, was
23 to represent these Corporations whenever these problems
24 were common to all river pilots of the St. Lawrence.

25 Section (c) to promote the practice, the
26 progress and the good reputation of the profession of
27 pilot, in the interests of pilots and the interests of
28 navigation generally. Once more this means that to make
29 a certain type of promotion, insofar as the progress of
30 the profession is concerned and the safety of navigation



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2 on the river is concerned.

3 Section (d): "To undertake and to pursue the
4 study of questions of common interest to the pilots, and
5 to take as a result thereof any step or measure not
6 contrary to law."

7 Q. Could you please give us a few
8 illustrations of questions of common interest which
9 you would have to study?

10 A. Well naturally the first thing that
11 comes to my mind is the different laws or Acts submitted
12 to the Canadian Parliament either Bill C-80 or Bill C-98.

13 Section (e): "To represent the members of the
14 several groups of St. Lawrence River and Great Lakes
15 Pilots with Government Authorities, Shipping Companies,
16 any public or private bodies, and any person." Once more,
17 whenever we have problems of common interest for all
18 pilots.

19 Section (f): "To make known the profession of
20 pilot and the services which the members thereof render
21 to navigation, and to local, regional and national
22 economies."

23 We might add that part of that article may
24 refer to a certain type of publicity, either through
25 radio, press or T.V. which indicates that the pilot is
26 not only the helmsman in the wheelhouse but he is there
27 in order to give some advice on the steering of the vessel.

28 Q. I notice that once more that the whole
29 subject of the provisions of the Canada Shipping Act and
30 of the By-laws on Pilotage made in virtue thereof.



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2 A. Certainly.

3 Q. Now if you take section 3, we find a
4 list of members, member groups. Could you please tell
5 me if the members of the Federation are still only those
6 who are indicated as original members, or if new members
7 have been admitted since those member groups?

8 A. Yes. What is listed here, such as the
9 Corporation of the St. Lawrence Pilots Kingston-Ottawa
10 includes now two groups of pilots because the District
11 was subdivided and because there is a District now from
12 Kingston to Cornwall. It's an International section and
13 the Canadian pilots have grouped themselves under the name
14 of the Corporation of the ~~Upper~~ St. Lawrence. Insofar as
15 the rest of the District is concerned, that is from
16 Cornwall to Montreal, the name of that organization is
17 called the Corporation of the St. Lawrence River and
18 Seaway pilots which before was in the group of pilots of
19 the St. Lawrence Kingston-Ottawa pilots. They changed
20 their name and the Corporation later on made an applica-
21 tion in order to become a member of the Federation of the
22 St. Lawrence Pilots and this request was granted at the
23 General Meeting of the Federation.

24 Q. And I notice that the Corporation of
25 the Lower St. Lawrence Pilots is not mentioned as an
26 original member?

27 A. Well when this Federation was estab-
28 lished, the Corporation of the Lower St. Lawrence Pilots
29 was not in existence then.

30 Q. Did it become a member since?



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2 A. Yes, that is correct.

3 Q. I notice that paragraph C has some
4 provisions concerning suspension, exclusion and resignation
5 of members. Did you ever have to enforce those provisions?

6 A. No, never.

7 Q. Now Section E states that member
8 groups shall pay the dues imposed in accordance with the
9 By-laws of the Federation. In the event that a member
10 group shall resign or be excluded from the Federation, it
11 shall be liable thereto for any past or current dues and
12 for its share of expenses and liabilities of the Federation
13 incurred at the time that this resignation or exclusion
14 shall take effect. Could you please explain briefly to
15 the Commission how the dues are levied in accordance with
16 the By-laws of the Federation? I would like to refer you
17 in particular to Article 34 of the General By-law number
18 1, which is on page 12 of the English text.

19 A. When dues are asked from member groups,
20 well we have followed the following procedure: The Board
21 of Directors, before the General Meeting meets in order
22 to study and prepare the budget estimate for the following
23 year and these budget estimates are submitted to the
24 meeting of the member delegates who, in turn, study these
25 budget estimates and approve them or amend them or do
26 not approve them, and then they make the necessary
27 suggestions and then at that time the annual dues or
28 special dues, if such is the case, are established by the
29 member delegates. After the meeting of the member delegates,
30 the Secretary of the Federation then notifies the member



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2 groups about the special dues or the annual dues, whatever
3 the case is and at what approximate date these sums or
4 these dues will be payable.

5 Q. Section 34, paragraph (a), would you
6 please read it? It provides that in the case of an
7 emergency such powers may be exercised by the Board of
8 Directors, that is to levy or assess member groups. Did
9 that ever happen?

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2 A. Yes, that happened on one occasion.

3 Q. Do you know what occasion, what event
4 such funds had to be assessed?

5 A. What happened was that on one year
6 the General Meeting was held at the end of the winter
7 and at the end of December, well, the Federation had no
8 more funds, had completely depleted its funds so the
9 Board of Directors decided that the next yearly dues would
10 \$100.00 so we wrote to the group Corporations, to their
11 Board of Directors in order to notify them about that and
12 we, notified also the delegates. The dues were paid and
13 at the next General Meeting these dues were approved.

14 Q. Do you remember what year this happened?

15 A. I think it was at the end of 1961 fiscal
16 year, but I would have to check in order to be absolutely
17 sure.

18 Q. Could you please check that up and give
19 us this information after lunch. I notice also that
20 Article 34 indicates that the collection may be done at
21 times through dues ^{and} must be done by the member groups at
22 a pro-rata, proportionate to the number of members?

23 A. That is right, each pilot is assessed
24 on an amount of X dollars and if there are 77 pilots
25 within a District then the amount is multiplied by 77,
26 or if you prefer the Corporation is assessed for the
27 total number of pilots multiplied by X.

28 Q. Was that principle followed constantly
29 ever since the inception of the Federation?

30 A. Yes, to my knowledge.



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2 Q. Now, let us get back to Section 3 and
3 sub-paragraph (e) which underlines the autonomy of member
4 groups. It says that the member groups retain their
5 absolute right to act separately from the Federation and
6 the other member-groups, and to take any attitude of their
7 own, even contrary to that of the Federation, whenever they
8 deem it fit. Then at the end it mentions: "The Federation
9 has no authority to interfere in the internal administra-
10 tion of any member group". To your knowledge was that
11 policy followed by the Federation since its inception?

12 A. Yes, that is correct. The problems
13 are submitted by member groups to the Federation and then
14 the Board of Directors will decide if this given problem
15 is of common interest to all the pilots in the Federation,
16 take it up then to try to solve the problems for each of
17 the individual groups.

18 Q. Am I to understand that the Federation
19 will study the problem only if such a problem is submitted
20 by the representatives of a member group?

21 A. That is right.

22 Q. Were there any cases where the Corpora-
23 tion, or rather the Federation refused to study problems
24 deemed to have only local interest, for example a problem
25 existing for only one or two member groups?

26 A. Yes, it happened.

27 Q. Would you have any specific examples?

28 A. Yes, I remember a case.

29 Q. Please give it, and what was the ruling
30 of the Federation about it?



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2 A. This was a case about the problem that
3 had arisen with the St. Lambert lock and two Pilotage
4 Districts were concerned and the whole case was submitted
5 to the Board of Directors of the Corporation but this
6 case, it was decided didn't represent the interests of all
7 the pilots of the St. Lawrence as a whole and consequently
8 it was withdrawn from the agenda.

9 Q. To your knowledge do the member groups
10 of the Federation give a great deal of importance to this
11 autonomy which is provided under Section 3 of the By-laws
12 of the Federation?

13 A. Yes, enormously.

14 Q. To your own knowledge is that policy,
15 restated by being mentioned in the By-laws or reaffirmed
16 through the resolutions or otherwise at meetings of the
17 Federation?

18 A. Yes.

19 Q. I notice that sub-section (f) of
20 Article 3 provides: "Official representations of member
21 groups to the Federation shall be made through their
22 respective Board of Directors and authorized officers.
23 All the communications shall be made in writing".

24 A. That is correct.

25 Q. To your knowledge had it ever happened
26 that certain members have written to you directly and that
27 the Federation then would act upon such individual commun-
28 ication?

29 A. This happened and we asked the member
30 then to follow the usual procedure by asking its Board of



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2 Directors to submit his request to our own Board of
3 Directors.

4 Q. Now, Section 4 and 5 provide the
5 quality of delegate members. Could you please comment on
6 these different articles and explain to the Commission
7 how many member delegates there are at the present time
8 and what is the office of as member delegates?

9 A. The member delegates are chosen in the
10 following way: There is one member delegate per 10 active
11 pilots in their Pilotage District. If we take a District
12 with 123 pilots, well, we have 13 member delegates, one
13 for each 10 pilots, plus one for the additional member.
14 The member delegates are chosen or selected by the
15 Corporation themselves according to the procedure they
16 will decide to choose either through elections or they
17 will be appointed by the Board of Directors. Now, the
18 duty of the member delegate is to attend the General or
19 Special Meetings, to vote, to move and vote on different
20 subjects and they constitute the assembly or meeting of
21 this Federation. The power of this Federation is made
22 through the assembly of the delegate members.

23 Q. How was chosen procedure or the method
24 of selecting the delegate members for the Federation?

25 A. Each member Corporation determines that,
26 make the selection of the delegates. We are advised about
27 that later on, the Corporation member notifies us or
28 notifies us that the list of pilots, the given list of
29 pilots designated as the member-delegates.

30 Q. So we must refer to each member



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2 Corporation to find out how they are chosen. Article
3 6 goes into the numbers. Could you please explain to the
4 Commission what is meant by active members within the
5 Federation and what is their role?

6 A. Active members are all licenced pilots
7 of the River St. Lawrence, and being active I would say
8 that one of their duties would be to choose the member
9 delegates, the active members may be gathered in convention
10 at times, but inactive members have only the powers to
11 suggest. Naturally if a meeting of the active members
12 was held, convention with the member delegates I think
13 they would have a certain, they would certainly have a
14 moral ~~of~~ power which would be felt, not legal power.

15 Q. I would refer you to article 33 of your
16 By-law entitled General Convention and it reads as
17 follows: "Active members of the Federation may be convened
18 from time to time in general convention, upon the decision
19 either of the General Meeting or of the Board of Directors.
20 The convention is only a consultative body. It is other-
21 wise governed by the same rules as the General Meeting of
22 the delegate-members." I notice that you mentioned
23 previously that the Federation are within the hands of
24 the member delegates and not in the General Convention
25 and that this General Convention may be convened at the
26 same time. Can you please tell me if this General Meeting
27 has been convened since the inception of Federation?

28 A. Yes, there is a General Convention
29 every winter ever since the establishment of Federation.

30 Q. Did the General Convention, was the



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2 General Convention held at the same time as the assembly
3 of member-delegates?

4 A. Yes, that is right.

5 Q. Have you held as many General Conven-
6 tions as meetings of the member-delegates since the
7 establishment of this Federation?

8 A. There were more meetings of the
9 member-delegates than General Conventions.

10 Q. Were there more Annual General Meetings
11 of the member-delegates than of the General Convention?

12 A. The same number.

13 Q. The difference might be explained by
14 the fact that there is a greater number of General
15 Special Meetings?

16 A. Yes, that is correct.

17 Q. We will get back to this idea of the
18 General Convention later on. Section 7 refers to
19 Honorary Members. I think we might pass over that quite
20 rapidly?

21 A. Well, we have two such honorary members.

22 Q. Now, we get to the Board of Directors,
23 Article 8: "The Board of Directors of the Federation shall
24 be composed of two delegate-members from each member group.
25 Five Directors shall constitute a quorum." Aside from
26 that you have an amendment which has already been carried
27 in 1961. Could you explain to the Commission the reason
28 for such amendment brought about in 1961 and how many
29 Directors there are at the present time or how many
30 administrators there are within the Federation?



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2 A. At the present time there are two
3 administrators for each of the member Corporations.
4 Having five Corporation members we have consequently ten
5 administrators. Aside from that we have a President.
6 The President now has no power to vote only when there is
7 a tie vote and there may be some cases where you have five
8 administrators in favour of a motion and five will be
9 against it and consequently the President is empowered
10 to give a ruling by voting, it is the only time where he
11 has the right to vote.

12 Q. Now, Article 10 provides for the
13 Election of the Administrators. Could you please explain
14 to the Commission what procedure is followed for the
15 election of ten administrators of the Federation?

16 A. It is a General Annual Meeting when
17 the member Corporations have nominated or elected their
18 member-delegates and these member-delegates meet and get
19 these two administrators they will want to represent them
20 on the Board of Directors of the Federation, so this is
21 left entirely up to each member Corporation in order to
22 choose amongst its member-delegates two administrators.

23 Q. Is the choice of two administrators
24 made by the member-delegates of each particular group
25 separately or is the selection made at the General
26 Annual Meeting of the General Group or through another
27 procedure?

28 A. This selection is made amongst the
29 member-delegates.

30 Q. It is made by the member-delegates?



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2 A. Yes.

3 Q. Well 10 refers to term of office of
4 one year and eligibility. Do you know if there is a
5 maximum term of office for the officers of the Federation?

6 A. There is no such maximum.

7 Q. Well, I believe that the list of
8 administrators of the Federation has already been filed
9 by my colleague, in Quebec City. To your knowledge was
10 there any considerable change in the position of the
11 Board of Directors of the Federation since the beginning?

12 A. Yes.

13 Q. If you take the three highest positions
14 of President, Vice-President and Secretary, can you tell
15 if there was any change since the beginning of these
16 posts?

17 A. Well, yes, since the inception in the
18 autumn of 1959 I am the second President. There were two
19 Vice-Presidents and there were three Secretaries. Many
20 names are listed as having been provisional administrators.
21 There is only one remaining who is still on the Board of
22 Directors and this one has been absent from the Board of
23 Directors for approximately two years.

24 Q. Article 12 refers to the assemblies
25 of the Board of Directors. The Board of Directors of the
26 Federation does it meet frequently?

27 A. Well, according to the notes of the
28 Board of Directors they may meet frequently or not
29 frequently -- when I say frequently, I might say as far
30 as I remember the longest period in which there was no



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2 assembly or no meeting was three months.

3 Q. Do you have any idea of the maximum
4 number of meetings of the Federation since the beginning?

5 A. Well, maximum of eight.

6 Q. Article 13 refers to the remuneration
7 and reimbursement of expenses of the Directors. It says:
8 "The Directors may receive such remuneration or other
9 advantage as the Board of Directors may from time to time
10 determine by resolution unless the General Meeting shall
11 otherwise decide." Paragraph (b) states: "The Directors
12 shall have the right to be reimbursed of their travelling
13 and other expenses properly incurred in connection with
14 their attendance at the meetings of Directors, or to be
15 paid for such purpose a fixed indemnity as the Board of
16 Directors may determine by resolution, unless the General
17 Meeting shall otherwise decide." Can you explain to the
18 Commission whether the method of reimbursement of expenses
19 or remuneration has been determined specifically by the
20 Board of Directors or whether it has been approved or
21 determined by the General Meeting of the members?

22 A. It was first of all in the first meeting
23 of the Board of Directors, adopted by the Board of Directors ,
24 and then subsequently adopted by the General Meeting.

25 Q. Well, what does it say concerning re-
26 imbursement of expenses?

27 A. Well, it fixed an allowance which was
28 given to the Administrators the Directors and Officers,
29 a subsistence allowance plus travelling expense, transporta-
30 tion expense, that is train etcetera.



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2 Q. What is the amount of this allowance?

3 A. Well, the allowance is \$20.00 a day for
4 the Directors and President is \$30.00 a day.

5 Q. Does this allowance include the hotel
6 expenses?

7 A. Well, it includes all expenses except
8 transportation expenses.

9 Q. Now, what remuneration, if any, receive
10 the Directors or Officers of the Federation?

11 A. Well, there is no remuneration provided
12 for the Directors, the officers of the Federation, the
13 President, Vice-President and Secretary when they are
14 dealing with the business of the Federation. They are
15 simply entitled to reimbursement for their pilotage turns
16 which are lost.

17 Q. How do you proceed in that respect?

18 A. Well, a personal example which I can
19 give, which happened myself, frequently, when I worked
20 for the Federation, the Secretary-Treasurer gives a letter
21 to the Secretary of the Federation telling them that they
22 missed so many turns and the value of these turns was
23 amounting to so much, so then the Federation sends a
24 cheque to the Corporation where I am registered.

25 Q. To your knowledge does the same
26 procedure apply to the Vice-President and Secretary?

27 A. Well, the same procedure is applied
28 to the Vice-President and Secretary, but I say up to date
29 it was really very minor, very small.

30 Q. If there is a meeting of the



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2 Administrators or the officers who attend a meeting of
3 Directors, are they entitled to an allowance or do they
4 come like other Directors.

5 A. What kind of allowance are you talking
6 about?

7 Q. Well, reimbursement of turns.

8 A. Well, the Directors who come to the
9 Federation arrange it with their own Corporation for the
10 reimbursement of the turns. It is only the President
11 who is entitled to his reimbursement of turns by the
12 Federation.

13 Q. Is there any reason, or what is the
14 reason for which you charge each member group, particularly
15 for the President, or the member group of the President --
16 I am sorry, the question is wrong -- is there any reason
17 why the Federation as such reimburses to the member group
18 of the President the value of his turns?

19 A. Well, the President is a person
20 absolutely unbiased and does not represent any particular
21 group and the two Directors who are delegated by the
22 members, the member-delegates represent their corporation,
23 so the Corporation of these Directors must reimburse their
24 turns.

25 Q. Now, as regards officers, Article 14...

26 THE CHAIRMAN: Well, if the reimbursement of
27 the President is responsible for his Corporation for this
28 year the Corporation will, in fact, have three charges
29 instead of two.

30 MR. LALONDE: Q. In that respect, there would



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2 also be certain injustice in this particular group who
3 would be bearing it along with the expenses of the others.

4 As regards Article 14, election, there are
5 three posts, President, Vice-President and Secretary and
6 Treasurer or Secretary-Treasurer. How many do you have,
7 three or four officers?

8 A. We have three officers, President,
9 Vice-President and Secretary.

10 Q. These officers are elected by the
11 Board of Directors?

12 A. Well, when a meeting of member-delegates
13 is held this meeting appoints the Directors and the
14 Directors meet for a meeting of the Board of Directors and
15 then the Board of Directors selects from among its members,
16 the President, Vice-President and Secretary.

17 Q. If we look at the other article under
18 Chapter Officers we see the functions of the President,
19 Vice-President and the Secretary and the Treasurer defined
20 in these paragraphs. Would you be in a position to
21 explain to the Commission whether the functions described
22 here are actually exercised by the officers in accordance
23 with the regulations?

24 A. Yes, with the exception of the Treasurer
25 because we have no Treasurer.

26 Q. Who holds that function?

27 A. The Secretary does the work of the
28 Secretary-Treasurer.

29 Q. Let us go on to General Meeting now,
30 this Chapter on General Meeting. It says: "The Annual



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2 Meeting of the delegate-members shall be held at any time
3 during the months of December, January, February or March
4 at such place in Canada and on such dates, as the Board
5 of Directors may determine by resolution". I see that we
6 have the territorial limit of Canada. Did you ever hold
7 any meeting outside Quebec Province?

8 A. It is always within the Province of
9 Quebec.

10 Q. Are these Annual General Meetings
11 that are convened officially noted to the member-delegates
12 of the Federation?

13 A. That is correct. We send by Registered
14 Mail the convening notice usually seven days before with
15 the agenda, and sometimes we have in the past sent a
16 letter to all active members of the Federation one month
17 beforehand informing them that there is a General Meeting
18 of the members and that if they have anything to be
19 included is the agenda to please forward it to us.

20 Q. Do you have with you the file which
21 would contain the documents that you are forwarding to
22 the member delegates with the correspondence -- you have
23 a file?

24 A. You mean the notice for convention
25 and the agenda of the meeting?

26 Q. Would you please during the lunch hour
27 look for these documents and file these documents in the
28 afternoon, a complete file in that respect.

29 Now I would like to draw your attention to
30 Exhibit 671, which is the brief -- Exhibit 171, which is



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2 the brief of the Federation of St. Lawrence Pilots to the
3 Commission and on page 120 you mention against the words
4 "Federation of St. Lawrence Pilots", which relates to the
5 number of members present at the assembly of the Federation
6 at the end of the financial years 1961, 1960 -- 1961 and
7 1962, which means the assembly beginning in 1961 --
8 beginning early 1962 and early 1963.

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2 ---Following short recess.

3 Q. I note that for 1960, 29 out of 29;
4 1962 27 out of 29 and 1963 28 out of 29. Are these
5 member-delegates?

6 A. Yes, that is correct.

7 Q. Are the figures mentioned at that
8 place the ones which correspond to the members actually
9 present at these assemblies?

10 A. Yes.

11 Q. Have you had the opportunity of
12 convening Special Meetings of the Federation?

13 A. Yes.

14 Q. How many such Special Meetings did you
15 hold?

16 A. Three, I believe.

17 Q. Do you remember in what year these
18 meetings were held?

19 A. Well I believe it was in 1960,
20 September; April 1962 and June 1963.

21 Q. At these Special Meetings, the
22 delegate-members who are there, could you tell me if the
23 attendance was in approximately the same proportion as
24 the ones which I mentioned for the General Annual
25 Meeting?

26 A. Well I believe that we had all of the
27 delegate-members, except one or two who were absent.

28 Q. To your knowledge the convening
29 notice and the agenda, as provided in paragraph 24 and
30 27, were they sent regularly to the members of these



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2 meetings?

3 A. Yes, always.

4 Q. Now could you tell the Commission if
5 there was any particular reason for which you had decided
6 to attribute all supreme powers of authority of the
7 Federation to a General Meeting of delegate members
8 rather than to the general congress of all the members?

9 A. Well we are all pilots, and it is
10 very difficult for us to leave during the navigation
11 season and several problems, major problems or minor
12 problems must come back on the agenda and must be solved
13 immediately and instead of calling everybody to try to
14 settle this question, we thought it was wiser to get a
15 representation which was more restricted, as far as
16 members was concerned, and have only delegate members to
17 these meetings.

18 Q. At what places did you hold the General
19 Annual Meeting since the beginning?

20 A. Well they varied. The first year it
21 was in Montreal. The second year in Quebec City. The
22 third in Montreal and the fourth one in Ville L'Esterel.
23 And St. Marguerite.

24 Q. In the neighbourhood of Montreal?

25 A. Yes.

26 Q. Is it a fact that a General Congress
27 could tend to bring more members than a member group
28 from one member group as compared to another member group
29 and create an over representation of this member group
30 as compared to the others? Did this bring you to the



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2 conclusion that you should have this system of delegate-
3 members?

4 A. Well I don't remember that this
5 question was presented or submitted during the establish-
6 ment of the Federation but my experience that we had at
7 the Congress, I would say that the distribution of
8 attendance was spread over all Districts, although we had
9 a greater number of pilots residing in the City where
10 the Congress was being held.

11 Q. Now at the General Congresses with
12 the Federation which were held regularly each year, at
13 the same time as the General Meeting of delegates, what
14 did you discuss at these Congresses, as this Congress,
15 according to the By-laws, is only in an advisory capacity?

16 A. Well, we have consulted the members on
17 the questions on the agenda at the assembly of delegate-
18 members which was in an advisory capacity, and then we
19 organized some forums with pilots on points on which the
20 Board of Directors wanted the opinion of members. When
21 there was some conflict between the Corporations, the
22 Federation had to come as a referee, we had a forum on
23 the disciplinary committee. We had also a forum on the
24 apprenticeship scheme. In addition, in the afternoon
25 meeting we tried to have speakers who give lectures on
26 things of interest. We had some people from American
27 Pilotage to give a lecture on that.

28 Q. Then as President of your Federation
29 do you present a complete report of the activities of
30 the Federation to the members during these General



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2 Congresses?

3 A. Yes, that is correct.

4 Q. Well at these General Congresses in the
5 past have you regularly submitted the Financial Statements
6 of the Federation?

7 A. Yes, each year.

8 Q. Have these Financial Statements been
9 discussed at the Congress?

10 A. Yes. And to this effect: When the
11 delegate-member or an active member comes to the Congress,
12 we give him a folder. We give each member a folder. In
13 this folder there is the agenda, there is the Chairman's
14 Report or President's Report. There is a certified
15 Financial Statement certified by a Chartered Accountant.
16 There is also the draft estimates for the future year and
17 any other relevant documents.

18 Q. Would you also, after lunch, please file
19 such documents?

20 A. Yes, certainly.

21 MR. LALONDE: One copy would be enough Your
22 Lordship?

23 THE CHAIRMAN: Yes.

24 MR. LALONDE: I think we wish to take the one
25 of 1962 or 1963, well the latest one which will be avail-
26 able.

27 Q. Now are the Financial Statements actually
28 discussed, as well as the question of the assessment at
29 the General Congress?

30 A. Well it is warmly discussed; rather hot.



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2 MR. LALONDE: Your Lordship, I think I will
3 go to another subject, so perhaps you want to adjourn.

4 THE CHAIRMAN: Well then we will adjourn until
5 2.30 this afternoon.

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2 ---Following luncheon adjournment.

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4 DIRECT EXAMINATION BY MR. LALONDE CONTINUED:

5 Q. Mr. Bedard upon adjournment we had
6 reached the heading concerning the financial provisions
7 in the By-laws of the Federation. You mentioned this
8 morning that the General Meeting generally set the dues
9 for the year to come, and you mentioned, I believe, the
10 case where the dues or the special dues have been set in
11 the first place by the Board of Directors before being
12 submitted, subsequently, to the General Meeting of
13 members.

14 I think that you have mentioned that this had
15 occurred at the end of the 1961 fiscal year. Did you have
16 an opportunity of checking exactly what happened in that
17 case?

18 A. Yes, I had an opportunity of checking
19 and I looked into the minutes and the dues had been set
20 on December 20th 1960 and if you allow me, I am going to
21 read an excerpt from the minutes of the meeting of the
22 Board of the Federation held in Montreal at the Headquarters
23 of the Federation, 60 West St. James on December 20th 1960,
24 item number 9. Dues: Because of the considerable expense
25 that must be with that of the Federation because of different
26 problems submitted to it by different member groups,
27 and in order to sort of balance the budget for the fiscal
28 year of 1961, it has been moved by Mr. Bedard and seconded
29 by Mr. Orance Hamelin and it has been passed unanimously
30 that the dues for the year 1961 be set at \$100.00 and,



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2 moreover, it has been suggested unanimously that it would
3 be a good idea to raise that question at the Annual
4 Meeting of the different groups.

5 So what happened was that the Board of
6 Directors set the dues on December 20th, notified the
7 member Corporations about it, which in turn discussed the
8 matter at the General Meeting and received this amount
9 before the General Meeting of the member-delegates in
10 the month of March 1961. However, in March 1961 this was
11 submitted to the member-delegates and was adopted.

12 Moreover, there was another case where an
13 additional \$100.00 was assessed for expense purpose for
14 the Royal Commission of Inquiry on Pilotage and that those
15 dues were requested in the Fall of 1962 and were approved
16 by the member-delegates at the General Meeting of 1963.

17 Q. This morning you mentioned that there
18 had been three special General Meetings, I think, since
19 the establishment of the Federation. Did you also have
20 the opportunity of checking the situation?

21 A. Yes. There were only two special
22 General Meetings.

23 Q. When did they take place?

24 A. In October 1960 and in June 1963.

25 THE CHAIRMAN: Special General Meetings?

26 MR. LALONDE: Yes, of the member-delegates.

27 Q. If I understand properly, there was no
28 General Special Meeting in April 1962?

29 A. No.

30 Q. This morning you mentioned the fact that



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2 documents were sent to each member for the conventions
3 of the Federation. I would like to show you one of these
4 documents made in your name entitled Fourth Convention,
5 with a folder containing the agenda of the Fourth Convention
6 as well as mention of the assembly of the meetings of the
7 member-delegates.

8 Does this record constitute a copy of those
9 given to each active member of the Federation of the St.
10 Lawrence Pilots?

11 A. This is one copy of the records handed
12 to each member-delegate. Now ever since the establishment
13 of the Federation on the first and second year of its
14 establishment, the active members did not receive the
15 last Exhibit in this record which was the budget estimates.
16 Only the delegate-member had them. Now, ever since the
17 past two years active members have been receiving also the
18 budget estimate.

19 Q. If I understand properly, the active
20 members receive at the Convention the same complete records
21 that the member-delegate receives at the General Meeting?

22 A. No, not exactly because there is also
23 the agenda of the meetings of the member-delegates which
24 appears only in the files of the member-delegates.

25 Q. I notice here that this document
26 contains an agenda of the member-delegates. This sheet
27 then would not be shown in the folders for the Convention?

28 A. I don't think so.

29 Q. With your permission, My Lord, I would
30 like to file this folder as Exhibit No. 752.



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3 ---EXHIBIT NO. 752: Folder of documents handed to the
4 members of the Federation of the
5 St. Lawrence Pilots for an annual
6 Convention and a General Annual
7 Meeting, February 1963.

6

7 Q. Who is authorized to sign the cheques
8 and the other documents of the Federation of the St.
9 Lawrence Pilots?

10 A. Upon the instructions of the Board
11 of Directors, the officers are authorized to sign these
12 cheques. The President, Vice-President and Secretary are
13 authorized and two signatures must always be shown on the
14 cheque.

15 Q. Two of the three signatures you have
16 mentioned?

17 A. Yes.

18 Q. In any event you have a provision
19 concerning the auditing of books. Who has been, since
20 the establishment of the Federation, the auditor of the
21 books of the Federation of St. Lawrence Pilots?

22 A. Mr. Henri Lavoie, from the Chartered
23 Accountant Office of Provost Lavoie & Company.

24 Q. And to your knowledge was such an
25 audit performed every year ever since the establishment
26 of the Federation?

27 A. Yes, three times. The first fiscal
28 year had extended from September 1959 to December 31st
29 1960 and following that well it was audited on a yearly
30 basis.



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2 Q. By the General By-laws, in Article 45,
3 it provides for modifications, repeal or adoption of by-
4 laws. Could you please tell the Commission if you ever
5 had to exercise or to use the powers mentioned in paragraph
6 A of Section 45, that is the power which is given to the
7 Board of Directors of amending the by-laws of the Federation
8 before the said by-laws be submitted to the Annual General
9 Meeting, so long as these amendments receive the approval
10 of the Secretary of State?

11 A. No. Only once were there any amendments
12 brought to the General By-law number 1 and this question
13 was submitted to the General Meeting, to the Annual
14 General Meeting before being submitted to the Secretary
15 of State.

16 Q. These conventions of the Federation of
17 the St. Lawrence Pilots, do you notify to attend as well
18 the representatives of the D.O.T.?

19 A. Yes, every year.

20 Q. Do they attend these meetings or did
21 they in the past?

22 A. Yes, with the exception of last year.

23 Q. And you notified also representatives
24 of the shippers?

25 A. Yes, every year.

26 Q. Do they usually attend?

27 A. Well if I remember correctly, certain
28 representatives of the Shipping Federation attended the
29 meeting of 1960 but did not come back since and I don't
30 think that the representatives of the Dominion Marine ever



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2 attended our meetings.

3 Q. Mr. Bedard I would like now to start
4 with you to examine certain events or certain very important
5 events regarding the history of the Federation of the
6 St. Lawrence Pilots, and more particularly all the events
7 affecting all the pilots of the St. Lawrence ever since
8 the year 1960. You mentioned this morning that a joint
9 pilots' Committee had been set up in order to study the
10 representation that should be made concerning Bill S-3
11 and then subsequently the Federation had been established.
12 The Federation, as you also mentioned this morning,
13 received its Letters Patent on November 5th 1959. What
14 was the first major problem that the Federation of the
15 St. Lawrence Pilots had to study after its establishment
16 in 1959, and naturally I refer here to its relationship
17 with the D.O.T. and the Pilotage Authority?

18 A. The member Corporations, each in turn
19 asked for a special rate to be established for the winter
20 season, but without any success and so, finally, this
21 problem was submitted to the Federation of the St.
22 Lawrence Pilots, and at the end of January 1960 a brief
23 prepared by the Federation of the St. Lawrence Pilots was
24 submitted to the D.O.T. and dealing with the whole matter
25 of winter navigation.

26 Q. Do you remember the approximate date
27 of this brief?

28 A. January 29th 1960..

29 Q. I would like to show you a copy of a
30 letter sent by Mr. Paul Gerin Lajoie to Mr. Alan Cumyn,



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2 two pilots during the winter navigation season had existed
3 on a compulsory basis, to your knowledge, either in the
4 Montreal or Quebec District?

5 A. Not to my knowledge.

6 Q. Was this practice of using, at times,
7 two pilots commonplace before the submission of that brief?

8 A. In my own District this was a common
9 practice, starting 20th November every year until the
10 beginning of the navigation season of the next year.

11 Q. Could you please explain to the
12 Commission what were the reasons for which the member
13 groups of pilots on the St. Lawrence wanted to see to it
14 that these provisions become compulsory in all cases?

15 A. Well in the first place we were asking
16 in that brief that two pilots be used, and whenever there
17 were two pilots used to steer ships during the winter
18 navigation, that a double rate be charged. Naturally
19 when we leave that vessel at that period of the year, we
20 never know at what time or even at what date we can reach
21 destination as it is impossible for the pilot or ship
22 master to forecast weather or ice conditions which prevail
23 during a given trip and we thought it would be a good idea
24 to ask for two compulsory pilots instead of leaving the
25 matter entirely at the discretion of people who might have
26 based themselves only on preceding trips when the weather
27 conditions and ice conditions changed, without being able
28 to rely upon forecasts.

29 Q. Could you please tell the Commission
30 if the member groups, before the Federation submitted a



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2 brief, had met with the Pilotage Authority and the Shipping
3 Federation and the Dominion Marine Association about that
4 question?

5 A. Yes.

6 Q. When exactly was such meeting held?

7 A. In January 1960. Perhaps there were
8 other meetings prior to that dealing with the same question
9 but I was not a member of the Board at that time, so I
10 cannot assert it.

11 Q. What was the result, to your knowledge,
12 of this meeting with the Pilotage Authority and the
13 representatives from the Ship Owners?

14 A. Well the result was either the complete
15 rejection of that proposal or a proposal to study that
16 question more thoroughly.

17 Q. So it was following that that the member
18 groups finally came to the Federation asking it to look
19 after that matter?

20 A. Yes.

21 Q. So what happened after this brief had
22 been submitted to the Pilotage Authority?

23 A. I think that the meeting was held
24 about it in order to study that matter more at length
25 with the representatives of the D.O.T., so it has been
26 decided then to compile statistics concerning the opening
27 and closing dates of the winter navigation and the ice
28 conditions and the questions of that order.

29 These statistics were to be compiled with
30 representatives of the D.O.T. and these statistics would



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2 be submitted later on to representatives of the ship
3 owners and pilots for further study.

4 Q. Did something else stem from this
5 meeting between the pilots and the Pilotage Authority?
6 Were the ship owners in attendance at those meetings?

7 A. I cannot recall.

8 Q. Subsequent to that meeting what was
9 the different development concerning your request for
10 winter pilotage? Were there any other problems that
11 were raised or were submitted to the Federation in the
12 interim?

13 A. There was a problem that was recurring
14 constantly which was being studied at length that summer,
15 and it was the case of the American Pilots. We had seen
16 American Pilots who were doing pilotage and were not
17 licenced from either Canadian or American Pilotage
18 Authorities and who were going downstream to Montreal to
19 pilot vessels, so the pilots from the Montreal to Kingston
20 District made some representations so that we should inform
21 the Minister that such situation existed and we asked the
22 Minister to try to check that situation.

23 Q. Could you please repeat the latter part
24 of your answer?

25 (French reporter repeats latter part of
26 answer)

27 Q. Do you think that in the spring of
28 1960 the Administrators of the Federation met in order to
29 discuss this problem and other problems in answer to their
30 request of the pilots of the District of Montreal or



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2 Kingston or Ottawa in particular?

3 A. The solution, well I mean, gave no
4 result insofar as the problems that were raised were
5 concerned, so that there was a meeting in April and the
6 Board and all the member Corporations met to study the
7 litigation and it had been moved that a brief be submitted
8 to the Pilotage Authority dealing with this problem which
9 remained unsolved and after the meeting of these four
10 Boards of Directors, upon a meeting of the General Board
11 of the Federation, a proposal to prepare such a brief
12 was moved and adopted unanimously.

13 Q. To your knowledge was that brief
14 prepared?

15 A. Yes.

16 Q. I would like to draw your attention to
17 a document, brief of the Federation of the St. Lawrence
18 River Pilots dated June 7th 1960. Is that the brief you
19 refer to?

20 A. Yes.

21 Q. Could you please tell the Commission
22 what were the main problems that you had submitted to
23 the Pilotage Authority within that document?

24 A. Yes, I could quote you what these
25 problems were, and I am going to quote them in English.

26

27 ENGLISH

28 Main problems (a) Foreign pilots working in Canadian
29 waters; (b) Representatives of the Shipping Industry
30 to sit on the examining Board for admission to study and



1 ENGLISH

2 in the practice of pilotage; (c) Rejection by the
3 Department of Transport to the adjustment of pilotage
4 dues necessitated by the new system of grading; (d)
5 Insufficient pilotage dues in the Harbour of Montreal;
6 (e) Undue delays in the collection of pilotage dues;
7 (f) Delays brought by the Department of Transport to
8 settle pilotage problems."

9
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11 Q.. For record purposes, I understand
12 that there is a mistake in the presentation under the
13 heading (f) which should read undue delays. Were these
14 problems, mentioned at the beginning of the brief, raised
15 by the different member groups and then submitted to the
16 Federation?

17 A. Yes.

18 Q. What was the answer of the D.O.T.
19 after you had submitted that brief and what were the
20 developments in 1960?

21 I would like to file this brief as Exhibit
22 No. 754.

23
24 ---EXHIBIT NO. 754: Brief of the Federation of St.
25 Lawrence Pilots submitted to the
26 Pilotage Authority on June 7th 1960.

27 Q. What were the future developments,
28 as regards each of the different problems that you have
29 mentioned in the brief?

30 A. I would like to add, before answering



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2 that question that in May, or in the Spring this year we
3 received a small booklet, published by the Shipping
4 Federation which was distributed at large.

5 Q. You mean this year?

6 A. Well I mean the year 1960 and this
7 booklet was distributed to the public and the members of
8 Parliament and their resulted from that publication of
9 that booklet the kind of press which was quite violent
10 against the pilots. Naturally this did not improve the
11 relationship.

12 Q. Is that the booklet you refer to?

13 Is that the one which is reproduced as schedule 49 in
14 the brief of the Shipping Federation?

15 A. Yes. I would like to add that this
16 booklet had been prepared and was based on certain
17 statistics which were reproduced in the newspapers, which
18 were certainly slanted. At any rate, the statistics
19 represented in a slanted way in that booklet and in the
20 brief, these statistics aimed at antagonizing many pilots
21 and this booklet was distributed with a great deal of
22 efficiency because all the newspapers gave a great deal
23 of attention to that booklet throughout the country.

24 The brief that we had prepared by the D.O.T.,
25 well it seems that the problems mentioned therein were not
26 being settled with speed. We decided to submit that brief
27 to certain members of Parliament so that they might make
28 or exercise certain pressures on the Minister of the
29 Department in order to find a solution, especially about
30 the problems raised by foreign pilots who were working in



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2 Canadian waters. This is a problem which still exists
3 today and has not been settled up until now and we tried
4 to see to it that the law be enforced. That is, that
5 whenever there is a pilot on board a vessel, this pilot
6 should be a licenced pilot.

7 Q. When you mentioned foreign pilots in
8 Canadian waters, could you please be more specific about
9 what you mean by that and in what particular District was
10 this problem raised?

11 A. These pilots are American pilots, or
12 so-called pilots who perform pilotage work and who were
13 performing pilotage work in the District of Canadian waters,
14 strictly Canadian waters from St. Regis to Cornwall.

15 Q. St. Regis to Cornwall?

16 A. No, St. Regis to Montreal.

17 Q. Did the Department at the time take
18 any energetic measures so as to remedy the situation
19 following the comments contained in your brief?

20 A. Well we were given the assurance that
21 everything would be done to remedy this situation.

22 Q. Well has something been done effectively
23 or has the presence of American pilots continued?

24 A. Well I think something had been done.
25 Somebody will come and will give evidence on an incident
26 where a pilot was sued by the Tribunals, but in any
27 event the practice was continued and still continues.

28 Q. So you have presented this brief in
29 the month of June to the Pilotage Authority and then you
30 have presented it to other people in order to obtain



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2 adequate measures to be taken. What was the situation
3 August September 1960?

4 A. There is a fact which I would like to
5 mention here. That is that although this question of
6 pilotage, of foreign pilots on vessels was recognized
7 by the D.O.T., I think that they did not know what was
8 the frequency of such practice and on 27th July we have
9 evidence given on the ALSTERTAL, the German vessel grounded
10 in Lake St. Louis with the pilot on board, a pilot of
11 American nationality. Did you protest at the time?

12 A. Yes. The President of the Federation
13 at the time, Mr. Paul Bailly, protested to the D.O.T.

14 Q. I am showing you a copy of a text sent
15 from -- a telegram to the Honourable Mr. George Hees by
16 Mr. Paul Bailly, President of the Federation of St.
17 Lawrence River Pilots. Is this document extracted from
18 your files of the Federation?

19 A. Yes.

20 Q. I would like, Your Lordship, to file
21 this telegram. The text of this telegram to the Honourable
22 George Hees by the Federation of St. Lawrence Pilots
23 dated 22nd July 1960 concerning the presence of an
24 American citizen as a pilot on board the vessel ALSTERTAL
25 as Exhibit number 755.

26
27 ---EXHIBIT NO. 755: Telegram sent to the Honourable George
28 Hees dated 22nd July 1960.

29
30 A. Well we have suggested to the D.O.T.



1 FRENCH

2 that the most efficient way of eliminating such an incident
3 or a way to solve this problem of American or Canadian
4 citizens would be to have mandatory pilotage dues in this
5 District.

6 Q. Did you receive an answer from the
7 D.O.T. concerning your telegram?

8 A. Yes.

9 Q. I am showing you a telegram signed by
10 Mr. J.R. Baldwin, Deputy Minister, to Mr. Paul Bailly which
11 reads:

12 ENGLISH

13 "Department is aware of activities of non licenced pilots
14 in Kingston District. Solution to this difficulty involves
15 division of this District which we hope to discuss with
16 pilot representatives soon. J.R. Baldwin, Deputy Minister."

17

18 FRENCH

19 This document comes from the files of your Federation?

20 A. Yes.

21 Q. Could I attach this to the previous
22 Exhibit, Exhibit 755?

23 THE CHAIRMAN: Yes.

24 A. Well subsequently our legal adviser
25 had a meeting in August with the representatives of the
26 D.O.T. in order to find a solution to the problem which
27 had been submitted in our brief of 7th June.

28 Q. Has the Federation got in contact in
29 writing with the Department later on?

30 A. Yes. We have sent a letter on 10th



1 FRENCH

2 September to the Honourable George Hees concerning the
3 same problem.

4 Q. Well I am showing you a copy of a
5 letter signed by Paul Bailly, President, sent to the
6 Honourable George Hees 2nd September 1960. Is that the
7 letter you just referred to in your evidence?

8 A. Yes, that is correct.

9 Q. Your Lordship I would like to draw
10 the attention of the Commission to the opening and the
11 closing, which is as follows: "The Federation of the
12 St. Lawrence River Pilots and its constituent bodies have
13 for the last several months drawn to the attention of your
14 Department several causes of complaint, in connection with
15 the pilotage operations on the St. Lawrence River have
16 been raised...." You mentioned the problem of pilotage
17 in the winter, pilotage in the Canadian waters by
18 American citizens, the problem of opposition from pilots
19 to the project of having ship owner representatives
20 attending the Board of Examiners for the apprenticeship
21 system, request for increase of pilotage dues in Quebec
22 District to offset the abolition of special pilots,
23 protest against delays in collection of pilotage dues and
24 request for adjustment in the rates or tariff for pilots
25 in the Montreal Harbour and the last paragraph, or not
26 the last one but the following paragraph:

27
28 ENGLISH

29 "All these problems and several others have been raised
30 with you as the Pilotage Authority or the officials of



1 ENGLISH

2 your Department on numerous occasions orally or by letter.
3 These specific problems are drawn to your immediate
4 attention as being^{the}/most outstanding ones but they are
5 in no way the only ones to have been raised with your
6 Department in the course of the last year. In all cases
7 the pilots have met with very unsatisfactory replies or
8 with long delays which up to now do not seem to have
9 produced any results."

10 The last paragraph says:

11 "None of the above requests seem to have received any
12 satisfactory consideration by your Department. The
13 Federation feels that it is its duty to call, in the
14 near future, a general assembly of its members in order
15 to make to them a full report on the present situation
16 and consider what further steps should be taken in that
17 regard."

18

19 FRENCH

20 I would like to file this letter from the
21 Federation of St. Lawrence Pilots to the Honourable George
22 Hees dated 2nd September 1960 as Exhibit No. 756.

23 Q. Now then on the 2nd September 1960
24 you informed the Pilotage Authority that the Federation
25 was under obligation to convene a future General Assembly
26 of its members. Could you tell us what were the develop-
27 ments following sending of this letter?

28 A. Well on 14th September Mr. Paul
29 Bailly brought an acknowledgment received to his 2nd
30 September letter from the Secretary on 9th September a



1 FRENCH

2 cable was received from the Minister and on the same date
3 we received also a reply to the letter of 2nd September.

4 Q. Well I am showing you here a cable and
5 a text of a letter from the Honourable George Hees to
6 Captain Paul Bailly dated 9th September 1960. Could you
7 tell me if these are the documents you were referring to?

8 A. Yes.

9 Q. Could you summarize the content of the
10 letter dated 9th September from the Minister?

11 A. As regards pilotage by Americans in
12 Canadian waters the Minister was aware of the situation
13 and hoped to remedy it in a way satisfactory to everybody
14 in the near future and the Minister says this, I am
15 quoting:

16
17 ENGLISH

18 "We agree with you, however, that perhaps the most
19 satisfactory way of putting an end to the practice of
20 American pilots intruding in Canadian waters is by
21 imposing a system of compulsory payment of pilotage dues."

22
23 FRENCH

24 Q. If I understand correctly, at that time
25 the payment of pilotage dues was not compulsory in this
26 District?

27 A. Yes.

28 Q. Well what happened to the other request
29 contained in your brief?

30 A. Well on item (d)---



1 FRENCH

2 MR. BRISSET: I am sorry, could we have the
3 full reading of this paragraph which was, I think, important.

4
5 ENGLISH

6 A. "My Department officials have discussed
7 this with the President of the St. Lawrence Kingston-
8 Ottawa District and have suggested that in order to clear
9 the way for such a move, the first step is for the
10 Association to put themselves on record as being agreeable
11 to exemptions from such compulsory payment by Canadian
12 and American lakeboats. If this action is taken, the
13 Department would give early consideration to the imposition
14 of compulsory payment of pilotage dues in the lower part
15 of the District. However, this would seem to require an
16 amendment to the Canada Shipping Act. I believe, too,
17 that when the new part 468 of the Canadian Shipping Act
18 comes into operation next season, it also will make it
19 easier to control this situation."

20
21 FRENCH

22 Q. Well what was, in brief, the reply to
23 other requests concerning, for instance, the presence of
24 ship owners on the Board of Examiners?

25 A. Well the D.O.T. was of the opinion that
26 since, or in view of the financial responsibilities of
27 ship owners in pilotage service, they should be represented
28 on the Board of Examiners.

29 Q. And on the other questions relating,
30 for instance, to winter pilotage?



1 FRENCH

2 A. Well the following items here are
3 item (c) which relates precisely to the adjustment of
4 tariff for Quebec District to offset the loss of the bonus
5 paid to special pilots in previous years, the Minister
6 states that he does not believe this is necessary in view
7 of the already substantial income of pilots in this
8 District.

9 ENGLISH MR. BRISSET: I am sorry to interrupt again
10 Your Lordship, but concerning the previous item, there
11 is a remark by the Minister which is essential, I believe,
12 and should be quoted.

13 THE CHAIRMAN: This will be quoted.

14 MR. BRISSET: Perhaps the witness could read
15 the whole letter.

16 MR. LALONDE: My Lord the ship owners seem
17 to have copies of all the correspondence between the
18 Federation of St. Lawrence River Pilots and the Department
19 of Transport which privilege the pilots never had in the
20 past. This is reproduced by appendix 52 of the brief of
21 the Shipping Federation and I am quite willing to produce
22 the original also in order to compare the text but if my
23 learned friend wants the witness to read all the letter,
24 I have certainly no objection at all.

25 MR. BRISSET: I do not insist on him reading
26 the letter, but perhaps, as the witness was asked he
27 should point out the essential points in the reply of the
28 Minister.

29 THE CHAIRMAN: If he misses one, well then
30 he will come back in cross-examination and you can ask



1 ENGLISH

2 him.

3 MR. BRISSET: My Lord it will be a bit dis-
4 jointed.

5

6 FRENCH

7 Q. Are there any further points on which
8 the Minister gives a favourable or unfavourable reply?
9 Could you summarize?

10 A. Well it's unfavourable, in my opinion.

11 Q. Well on the request of the adjustment
12 of pilotage dues in the Montreal Harbour, has the Minister
13 stated that he is going to adjust these pilotage dues in
14 any way?

15 A. No, I don't think so.

16 Q. The delays in collection or levying
17 of pilotage dues, were measures taken at the time?

18 A. No.

19

20 ---EXHIBIT NO. 756: Miscellaneous correspondence between
21 Federation of St. Lawrence Pilots
22 and the Minister of Transport between
23 2nd September and 28th October, 1960.
24
25
26
27
28
29
30



1 FRENCH

2 Q. Well, I am going to file a number of
3 Exhibits which will be attached to the previous Exhibit
4 because it is dealing with the same matter. Did you reply?

5 A. Yes, on the 14th September.

6 Q. I am showing you a letter to the
7 Honourable George Hees signed Paul Bailly. Is that the
8 letter you refer to?

9 A. Yes.

10 Q. Since the Shipping Federation doesn't
11 have a copy of this letter from the Minister of Transport
12 could you read it?

13

14 ENGLISH

15 A. Well, it is a letter dated September
16 14th, 1960. The Honourable George Hees, Minister of
17 Transport, Hunter Building, Ottawa, Ontario: Honourable
18 Sir, I wish to acknowledge with thanks receipt of your
19 letter September 9th, 1960 concerning the representations
20 made by the Federation of St. Lawrence River Pilots in our
21 letter of September 2nd.

22 On behalf of the Federation I wish to express
23 our disappointment with your letter.

24 In particular I wish to draw your attention
25 to the following facts.

26 In connection with the intrusion of foreign
27 pilots into Canadian waters below St. Regis our request
28 is that the law be respected and it seems to us that it
29 is a poor defence for the Department to fall back on the
30 alleged difficulties of enforcing the law. As to the



1 ENGLISH

2 question of representation of the Shipping Industry on
3 the Examining Board for admission to the study and
4 practice of pilotage the Federation feels most strongly
5 that the public interest is amply protected by the
6 representatives of the Department of Transport who sit
7 on those Boards in addition to the representatives of
8 the pilots. Our view is that the Shipping Industry has
9 no business whatever on those Boards and we will not stand
10 for any representation of those mainly foreign interests
11 on our Examining Boards.

12 As to the loss of income due to the introduction
13 of an amendment to the tariff in the Quebec District to
14 replace the amount previously paid to the special pilots
15 the Department of Transport does not seem to realize the
16 question of principle involved. The pilots were clearly
17 given to understand that they would be fully compensated
18 for the abandonment of the previous system of special
19 pilots. After having worked on that understanding the
20 pilots were faced with a different decision by the
21 Department. In our view this is an attitude which is
22 hardly conducive to the establishment of relations carried
23 on in good faith between the pilots and your Department.

24 Moreover we are rather surprised to see you
25 referring to the alleged increase of income to the Quebec
26 pilots for the current year while refusing to act in the
27 matter of the Montreal Harbour pilots on the basis that
28 you don't have sufficient statistics in that respect.

29 We are also surprised to see you consider the
30 sums which are overdue to the pilots as a minor question.



1 ENGLISH

2 These several thousand dollars which are overdue constitute
3 the earnings of the pilots and we fail to see why the
4 pilots should subsidize the shipping companies to that
5 extent.

6 Finally in the matter of winter pilotage
7 we are still receiving the same answer to the effect that
8 the matter is under consideration. A report on the matter
9 was due for the middle of the shipping season and we can't
10 help feeling that the matter will be delayed again. For
11 these reasons the Federation wishes to express its regrets
12 that you have not found appropriate to remedy what we
13 consider just and reasonable grievances.

14 Consequently I must advise you that a General
15 Assembly of our members will be called at an early date
16 for the purpose of deciding what ever steps are required
17 in the circumstances. I must also advise you that after
18 that date the Federation will not feel the pilots'
19 grievances to be restricted to those mentioned in the
20 brief and the memorandum on winter pilotage submitted to
21 you. Indeed all the unsettled problems from the negotia-
22 tions of last winter will have to be considered again.
23 Yours very truly, Paul Bailly, President of the Federation
24 of the St. Lawrence River Pilots.

25

26 FRENCH

27 Q. Following the dispatch of this letter
28 dated 14th September, 1960, what development occurred as
29 regards the Federation of St. Lawrence Pilots? Did you
30 receive a reply to this letter of 14th September?



1 FRENCH

2 A. Yes, on 4th October.

3 Q. I am showing you a letter addressed by
4 the Honourable George Hees to Mr. Paul Bailly dated
5 October 4th 1960. That is the letter you refer to?

6 A. Yes.

7 Q. I note that this says: "We have now
8 available statistics for the present season up to the end
9 of August which gives us a firm basis on which to base
10 expectations for the fall season. Accordingly my officials
11 will ask that your representatives attend a meeting within
12 the next few days at which any misunderstandings there may
13 be will be clarified". This letter is in reply to your
14 letter of 14th September. This letter, therefore, of
15 4th October was foreseeing a meeting in the near future.
16 Did this meeting take place actually?

17 A. Well, yes, this took place on the 8th,
18 October I think here in Montreal. There was Mr. Alan
19 Cumyn, Captain Jones, I believe, and Mr. Gendron.

20 Q. What was the outcome of this meeting?

21 A. Well, there was no agreed outcome even
22 -- we even went out from this meeting with even more dismay
23 than before because the American pilots who were going
24 downstream, the St. Lawrence down to Montreal, we learned
25 the intentions of these pilots and the representations
26 had been made on the American side, so that the American
27 pilot would eventually be piloting all the way up Father
28 Point.

29 Q. How did you hear about this?

30 A. Well, we were aware of this after the



1 FRENCH

2 debates on Bill C-80, or the American version of the
3 debate on C-80 which is in the United States and which
4 was presented before the American Congress and at that
5 time representatives from American Unions exercised some
6 pressure on the Government so that the pilotage on the
7 St. Lawrence be free for pilots of American nationality
8 and at the meeting in October with the Authorities of the
9 Department this policy seemed, perhaps not confirmed,
10 but at least tolerated.

11 Q. What brought you to come to such a con-
12 clusion at the meeting of October '60?

13 A. Well, the statement by the Department
14 officials.

15 Q. So what did you do after the meeting
16 of October 8th, 1960?

17 A. Well, we called a meeting of the
18 delegate-members at Three Rivers.

19 Q. For what date?

20 A. For October 10th.

21 Q. Was that meeting held, in fact, in
22 Three Rivers?

23 A. Yes.

24 Q. What was the results of that meeting?

25 A. The resolution had been adopted to the
26 effect that pilots -- do you want me to read that resolu-
27 tion -- resolution number 8 on page 93 of the minutes:
28 "Upon the proposal of Mr. Leon Pouliot and seconded by
29 Mr. Gaston Rousseau it has been unanimously approved a
30 telegram, being the following be sent to the Minister of



1 FRENCH

2 the Department of Transport: Whereas it is important for
3 Canadians to maintain national sovereignty on the whole
4 territorial waters of our country; Whereas the Government
5 of Canada has on many occasions taken a firm stand in order
6 to protect our sovereignty against all encroachments;
7 Whereas a dangerous encroachment to our sovereignty would
8 occur if United States were exempted from the compulsory
9 payment of pilotage dues in the stretch of Canadian Waters
10 of the St. Lawrence River; Whereas it is important that
11 the compulsory payment of pilotage dues be established
12 without delay in the strictly Canadian part of the St.
13 Lawrence, Kingston, Ottawa District as it already exists
14 in the other pilotage Districts in the St. Lawrence River;
15 Whereas the Department of Transport has declared that if
16 a compulsory payment of pilotage dues in the St. Lawrence,
17 Kingston, Ottawa District is to be established the American
18 lakeships would be exempted from the payment of such dues;
19 Whereas such an action would represent a dangerous aband-
20 onment of Canadian sovereignty of our waters and would
21 open the door to the eventual general exemption of ships
22 in the whole St. Lawrence River; Whereas such an action
23 would constitute the first step towards the destruction on
24 the whole St. Lawrence River as efficient pilotage services
25 operated by Canadian citizens and would employ serious
26 danger to the security of shipping on the whole St.
27 Lawrence River and the shore communities the member-delegates
28 of the member Federation of the St. Lawrence Pilots unanim-
29 ously call the General Congress of all the St. Lawrence
30 River Pilots for Saturday October 15th at Three Rivers in



1 FRENCH

2 order to decide upon whatever action is required by the
3 situation." The text in this resolution was sent to the
4 Honourable George Hees who was then at the Department
5 of Transport.

6 Q. At what date?

7 A. On October 10th.

8 Q. I have noted in the records of the
9 Federation a telegram of Mr. Alan Cumyn sent to Mr. Paul
10 Bailly dated October 8th, 1960. Could you please tell
11 me if such a telegram was received, in fact by the
12 Federation?

13 A. Yes. Perhaps I should give an
14 explanation before. ~~An~~ Naturally upon meeting with the
15 D.O.T. mention was made on other points in litigation and
16 we then proposed, if I recall correctly that the winter
17 rates be imposed starting December 15th until April 8th,
18 that the second pilot would be paid double rate and it
19 will be left at the discretion of a ship's Master if it
20 was necessary to have a second pilot on board or not.
21 On the same day we received the telegram -- do you want me
22 to read it -- it is addressed to Mr. Paul Bailly, President
23 and signed Mr. Alan Cumyn. The telegram is as follows:
24 "I feel I may not have sufficiently stressed^{the}/fact that
25 the Departmental consideration of proposal ~~to making~~ hiring
26 of two pilots in Kingston, Montreal River and Quebec
27 District mandatory and will be seriously influenced by any
28 action of pilots leading to hold up or stoppage of
29 shipping". It meant if we made recommendations we would
30 not get anything.



1 FRENCH

2 Q. Was there a particular reason that you
3 had chosen Three Rivers as the location of your meeting?

4 A. Yes. It is an ideal meeting place for
5 pilots because it is a central location, especially during
6 this summer season ~~as~~ the people going from Montreal go to
7 Three Rivers and the people of Quebec upstream to Three
8 Rivers. It is quite a central location.

9 Q. You held a special General Meeting in
10 June of that year?

11 A. Yes.

12 Q. Did you hold it in Ottawa West, Ottawa
13 East or Three Rivers?

14 A. Three Rivers.

15 THE CHAIRMAN: May we recess now.

16

17 ---Short recess.

18

19

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1 FRENCH

2 represent for him a highly subtle matter because the
3 complications seemed to stem from the fact that by
4 rendering pilotage compulsory in that District, due to
5 that he was forced to pay pilotage dues to American
6 lakers and our attitude was extremely firm about that
7 and he did not want to allow this situation to go on as
8 such and we even said that even if the compulsory pilotage
9 dues are imposed to all vessels, ocean going vessels, with
10 the exception of American lakers, would have to face
11 exactly the same situation, that is to say that if the
12 lakers were exempted, we would be afraid, as we still are
13 today, that such a practice of taking unlicensed pilots
14 to perform pilotage on that type of vessel would go on
15 although it would represent an improvement because it would
16 eliminate the danger that there would be of having un-
17 licensed pilots on vessels forced to pay compulsory dues
18 but in principle it was best to eliminate such a practice.

19 Q. Following that meeting on October 12th,
20 were there any subsequent meetings?

21 A. Yes. We passed practically the whole
22 morning of October 13th at the Minister's Office in order
23 to try and find a possibility, or rather the possibility
24 of finding a solution to that problem.

25 Q. Did you succeed in reaching an agreement
26 with the Minister on October 13th?

27 A. Yes. We finally reached grounds for
28 agreement. The Minister told us that he would impose the
29 compulsory payment of pilotage dues but by taking such an
30 action, according to the legislation he was forced to act



1 FRENCH

2 thus even with American lakers so he asked us to give him
3 a statement according to which we would not press to
4 obtain payment of pilotage dues on these vessels during
5 the period of negotiations between the Canadian Government
6 and the American Government about pilotage dues on the
7 Great Lakes.

8 Q. I would like to show you a document
9 entitled "Montreal St. Regis District" a document in
10 English which includes a certain number of paragraphs
11 dealing with the different problems that you have had
12 submitted to the Department. Could you please identify
13 this document and tell us if it is a true document that
14 has been signed by the Minister on October 13th 1960
15 following your negotiations?

16 A. Yes. It seems to be an identical
17 document to the one that has been signed by the Minister
18 on October 13th.

19 Q. Your Lordship I would try to find in
20 our records the original copy of the signature of the
21 Minister. At the present time this is the only document
22 that we could lay our hands on and this is a copy of the
23 agreement with the Minister.

24 THE CHAIRMAN: If you do not find the original
25 copy, you will have to make evidence of that document,
26 to have this document evidenced with representatives of
27 the D.O.T.

28 Q. Perhaps the Shipping Federation could.
29 Naturally it would be a copy of that document that he
30 would have received from Ottawa. I don't know if they



1 FRENCH

2 have it or not. I would like to show you a letter sent
3 to the Honourable Leon Balcer on the same date, October
4 13th 1960. Could you please tell me if this letter was
5 the kind of letter you referred to in your previous evidence?

6 A. Yes.

7 Q. Could you please read it so that the
8 English text may be shown in the record.

9 A. This is a letter addressed to the
10 Honourable Leon Balcer, Minister of Transport, Ottawa,
11 Ontario, dated October 13th 1960. Dear Mr. Minister:
12 "We have received some instructions on the part of the
13 Corporation of the St. Lawrence-Kingston-Ottawa and the
14 Federation of the St. Lawrence Pilots to transmit to you
15 the following communication: The Corporation of the St.
16 Lawrence Pilots Kingston-Ottawa and the Federation of the
17 St. Lawrence Pilots consent that for the present negotia-
18 tion period between the American and Canadian Government
19 that there be no collection of pilotage dues which would
20 be required from American lakers in the strictly Canadian
21 part of the pilotage District St. Lawrence Kingston-Ottawa,
22 that is from St. Regis, Province of Quebec to Montreal,
23 in accordance with by-law imposing immediately the
24 compulsory payment of pilotage dues in that District.

25 Even if the Corporation and the Federation
26 do not understand that the Canadian part of the River may
27 be subject to negotiations having to do only with the
28 International waters of the Great Lakes as defined by the
29 law to consent to await the results of such negotiations
30 before making the necessary or pertinent negotiations.



1 FRENCH

2 Yours truly signed Lajoie-Gelinas Lajoie-Bourgue & Lalonde,
3 Marc Lalonde, Legal Adviser of the Federation of the
4 St. Lawrence Pilots and of the Corporation of the St.
5 Lawrence Kingston-Ottawa pilots."

6 Q. Do you know if that letter has been
7 given to the Minister? I show you that document beforehand
8 entitled "Montreal St. Regis District"?

9 A. Yes.

10 Q. I would like to show you a letter sent
11 by the Honourable ~~Leon~~ Balcer addressed to myself dated
12 October 8th 1960 and which is received Monday October 4th
13 1960 and your signature. Was this letter shown to the
14 Federation of the St. Lawrence Pilots?

15 A. Yes.

16 Q. This letter is already part of volume
17 2 of the brief of the Shipping Federation under annex 53.

18 Now I am showing you other letters which have
19 not been sent to the Shipping Federation by the D.O.T.
20 This is dated 19th October 1960 addressed to the Honourable
21 Leon Balcer by myself. Has this letter been shown to the
22 Federation of St. Lawrence Pilots?

23 A. Yes.

24 Q. Your Lordship these are two letters
25 which must have crossed each other's way and they are
26 commenting on the understanding which had been arrived
27 at before. May I file these documents in a bundle under
28 the same Exhibit number, amending the reference concerning
29 this Exhibit 756? Exhibit number 756 should read now
30 Miscellaneous correspondence between Federation of St.



1 FRENCH

2 Lawrence Pilots and the Minister of Transport between 2nd
3 September and 19th October 1960.

4 During all these negotiations have you had
5 an opportunity to meet the Ship Owners?

6 A. Yes, in the Parliament Halls in Ottawa.

7 Q. Well I am referring to a meeting,
8 an official meeting for negotiations?

9 A. No.

10 Q. Following this agreement concluded on
11 13th October, in order to complete the or to supplement
12 the files on this exchange of correspondence Your Lordship,
13 I would like to file two letters exchanged between the
14 Honourable Leon Balcer and myself on the same subject,
15 one of 24th October from me to Mr. Balcer and the other
16 one 28th October from Mr. Balcer to myself, under the
17 same Exhibit number. Could you, therefore, extend the
18 date of coverage of this Exhibit up to 28th October 1960?

19 Has the agreement concluded in October con-
20 stituted a satisfactory solution to the problems which
21 were unsettled for approximately one year and sometimes
22 even more than one year? Would you like to look at these
23 items?

24 A. No, It was satisfactory, partly
25 satisfactory, I would say but with the seriousness of
26 the situation, I think we have been conciliant.

27 Q. Well following this agreement has a
28 certain number of developments occurred during the year
29 1960 which would be of a particular interest for the
30 Commission on the activities of the Federation?



1 FRENCH

2 A. Well you mean after the meeting with
3 the Honourable Balcer?

4 Q. Well the meetings that you would have
5 had later in the year, the following year with the Pilotage
6 Authorities to discuss various points which should have
7 been answered between the ship owners, pilots, and the
8 Department?

9 A. Well for several years we used to
10 meet the D.O.T. and ship owners in joint meetings which
11 were held usually in Montreal and sometimes in Ottawa.
12 This December we received a letter from Captain Jones
13 inviting us to a meeting, a joint meeting to be held on
14 3rd January 1961 in Montreal and the letter indicated that
15 the Minister intended to come for the opening of this
16 meeting, of this joint meeting.

17 Q. This joint meeting was held in fact?

18 A. Well yes, it was held but the ship
19 owners refused to attend the meeting.

20 Q. Was the Minister present?

21 A. No, the Minister was not present but
22 at the end of the year 1960 two briefs were presented to
23 the D.O.T. On 14th December the brief from the Shipping
24 Federation of Canada and on 20th December the brief from
25 the Dominion Marine Association; both briefs were related
26 to Pilotage.

27 Q. Your Lordship these briefs are part
28 of ~~the~~ Exhibit No. 688, both the brief of the Dominion Marine
29 Association and the one of the Shipping Federation.
30 Therefore, I do not think it is necessary to file them



1 FRENCH

2 separately. What was, briefly, the subject of the brief
3 of the Dominion Marine Association?

4 A. I think it was concerning exemption to
5 pilotage, or the compulsory payment of pilotage dues in
6 the Quebec District and Montreal District.

7 Q. To your knowledge, here is a copy of
8 the brief from the Shipping Federation to the Pilotage
9 Authority dated 14th December 1960, have you had time
10 to look at the conclusions of this brief?

11 A. Yes, I had an opportunity to do so.

12 Q. What was the main subject of this
13 brief?

14 A. Well I have read this brief some time
15 ago. I remember very well, among other things, that they
16 wanted to eliminate the present Corporation of the St.
17 Lawrence Pilots as they exist at the present time. I
18 think there are more explicit conclusions than that.

19 Q. I think that my colleague will most
20 probably like to look at this or talk about it.

21 A. The conclusions, to summarize the
22 recommendations of the Shipping Federation of Canada
23 Incorporated are the following:

24
25 ENGLISH
26 "(1) That the pilots in the St. Lawrence River District
27 be appointed Civil Servants, or, alternately
28 (2) That the Pilotage Authority allow the Shipping
29 Industry and the pilots to establish, by collective
30 bargaining, a mutually satisfactory level of income for



1 ENGLISH

2 pilots in each District and that such level of income
3 being and then guaranteed by the Government, the tariff
4 required to produce such guaranteed income be negotiated
5 between the Shipping Industry and the Pilotage Authority.
6 (3) That steps be taken to abolish the Corporation
7 grouping of the various pilots for the four Districts of
8 the St. Lawrence River or if they are to remain in existence
9 that the Pilotage Authority exercise a very strict super-
10 vision over them and arrange the audit and inspection of
11 the Administration and operation of pools presently under
12 their control.

13 (4) That the office of the District Commissioner be
14 re-established as it was formerly constituted for the
15 purpose of holding public inquiries into Shipping
16 casualties in the St. Lawrence River and adjoining waters.

17 (5) That the Shipping Industry be allowed to be represented
18 on the Board of Examination and Selection of Pilots."

19
20 FRENCH

21 Q. As regards the last request, I note
22 that the agreement concluded with the D.O.T. on 13th
23 October stated "The Board of Examination for Candidates
24 for Pilotage will be composed of representatives of the
25 Department of Transport and the pilots only." I understand,
26 however, that some people are reopening the debate on
27 this question?

28 A. Yes.

29 Q. What attitude did the Federation of
30 St. Lawrence Pilots adopt concerning the conclusions and



1 FRENCH

2 recommendations of the Shipping Federation on this subject?

3 A. Well we decided to defend ourselves.

4 Once again the Board prepared a brief which was submitted
5 later to the D.O.T., a brief which was answering this
6 one.

7 Q. Well did the District prepare a brief
8 to answer the one of the Dominion Marine Association?

9 A. Yes. During the winter 1960 and 1961
10 we prepared two briefs, one replying to the Shipping
11 Federation and the other one to the Dominion Marine
12 Association.

13 Q. Specifically what is the reply that
14 you gave to the conclusions of the Shipping Federation,
15 particularly when they suggested first that pilots be
16 placed on the Civil Service system?

17 A. Well the position was always very
18 clear on the part of the St. Lawrence pilots concerning
19 the Civil Service and we were dead against it. However,
20 we know that the Government insisted on trying to place
21 pilots of certain Districts under the Civil Service system.

22 Q. Well at the beginning of 1961, or after
23 the brief of the Shipping Federation was sent was there,
24 to your knowledge, any effort, renewed effort to place
25 pilots on the Civil Service System?

26 A. Yes. Well the Montreal to Kingston
27 District having been sub-divided into two sections, one
28 Cornwall and the other one from Cornwall to Montreal,
29 the upper St. Lawrence section from Cornwall to Kingston,
30 being an International one, attempted to place the pilots



1 FRENCH

2 of this particular District on the Canadian side under a
3 Civil Service system. Now the Minister of Transport,
4 even should they want to, requested the presence of all
5 pilots concerned in the office of the Under Secretary
6 at Ottawa and asked each pilot individually whether he
7 was in favour of the proposal which was made at the time
8 to these pilots so that they become Government employees.
9 Each pilot raised one after another to declare himself
10 Q.
11 against this system. If I understand correctly, they did
12 not go through the Committee of Pilots at that time?

12 A. No, they wanted the presence of each
13 pilot.

14 Q. What was the position adopted by the
15 Federation towards other recommendations contained in the
16 brief of the Shipping Federation? For instance, well
17 recommendation number 2 concerning the level of income
18 between the two parties?

19 A. Well the pilots were against such a
20 system. Not immediately. We asked for some time to
21 think about it and to study it. The system at first
22 glance might have presented some advantages since it was
23 guaranteeing some minimum income but past history made us
24 think and we know that in the past when there were some
25 economic pressures, and the war, the income of pilots was
26 not guaranteed.

27 We can see now unfavourably the possibility
28 of fixing not the minimum but the maximum for the income
29 of pilots so the proposal was rejected. It would seem
30 that in good years it would be good to have a maximum and



1 FRENCH

2 when the years were bad, well then this was not offered,
3 any minimum.

4 Q. It was not offered in the brief of the
5 Shipping Federation?

6 A. No. Well I say that during the war
7 or depression years when the pilots were making \$2500.00
8 a year, at that time nobody came to offer a minimum
9 salary to them and I think that this proposal of minimum
10 and maximum was certainly not coming from the heart. It
11 was rather to put a ceiling to the income of the pilots.

12 Q. Well isn't your only objection to the
13 establishment of approximate income would be or in fact
14 was this: The objection only of the financial order?
15 That is, you are objecting to fixing a maximum while in
16 the difficult years nobody had thought of fixing a minimum
17 or were there any other motives?

18 A. Well the system was completely changed,
19 or seemed completely changed. They did not want to discuss
20 tariff and now they wanted to eliminate completely pilots
21 from the tariff discussion which would bring an income to
22 the service.

23 Q. What are your objections to this
24 proposal?

25 A. Well our objections to this proposal,
26 I don't know if I should elaborate now. I intend to
27 elaborate more on this when we will present the brief
28 of the Federation of St. Lawrence Pilots, the question of
29 principles.

30 Q. Well in the brief that you have



1 FRENCH

2 presented at the time did you limit yourself to presenting
3 this financial aspect or did you raise other aspects in
4 reply to the conclusion of the Shipping Federation on this
5 subject?

6 A. Well I don't remember correctly.

7 Q. The other conclusion which is mentioned
8 relates to the abolition of the Corporation or their
9 District controlled by the Pilotage Authority. What was
10 your attitude at that time?

11 A. Well one Federation requesting the
12 abolition of another Federation. That is, the Shipping
13 Federation asks for the abolition of the Pilots' Federation.
14 I think we could have reversed the request. Naturally
15 this was rejected off hand and if the pilots wanted to
16 have a professional organization and to pool their earnings,
17 that is their own business.

18 Q. As regards the presence of Ship Owners
19 on the Board of Examiners, have you modified the attitude,
20 or the previous attitude of the Federation at the time on
21 this question?

22 A. No.

23 Q. Your Lordship I will file here these
24 briefs. I haven't got them yet but as soon as I receive
25 these copies I will file them. Perhaps we could give them
26 immediately an Exhibit number for these documents since we
27 are on this subject?

28 There will be two briefs, the brief of the
29 Federation of St. Lawrence Pilots to the Pilotage Authorities
30 in reply to the Dominion Marine Association and the brief



1 FRENCH

2 of the Shipping Federation of Canada. The two briefs will
3 be dated 1961, January, 1961. I think the two briefs are
4 in the month of July, 1961. I think the one referring to
5 the Shipping Federation is 12th July, 1961, but I haven't
6 got the exact date of the other one. It has been stated
7 that the part played by the Federation in negotiations
8 with the Pilotage Authorities and the Ship Owners -- this
9 has been referred to -- what is the situation of the
10 Federation towards these member groups in negotiations
11 with the Pilotage Authority and Shipping Federation, and
12 on this subject I would draw your attention to the brief
13 of the Shipping Federation, Exhibit 726, Page 56 English
14 text where it is stated, Volume 1:

15
16 ENGLISH

17 "The difficulties in all four Districts from 1960 on
18 after the Federation of St. Lawrence River Pilots took
19 over tariff negotiations on behalf of the Corporation".

20
21 FRENCH

22 Could you tell me if actually after commencing
23 in 1960 the Federation of St. Lawrence Pilots has taken
24 responsibility over negotiations between the pilots of the
25 Pilotage Authority and the Ship Owners?

26 A. Well, the member Corporations having
27 through economy presented certain recommendations or
28 suggestions or requests to the Ship Owners in the presence
29 of the representatives of the D.O.T. in 1960 when they
30 hadn't attained a result and nothing moved, and there



1 FRENCH

2 were still unsettled points for all the Districts of the
3 St. Lawrence and we then prepared a brief in 1960 which
4 was referred to earlier on the unsettled questions.
5 Consequently a resolution was adopted to the effect that
6 the President of the Federation would attend as an observer
7 the meetings between the member Corporations and the Ship
8 Owners in the joint Committee of the Government. The
9 President of the Federation was attending only as an
10 observer. He wasn't there in order to give the policy of
11 a given Corporation or to make suggestions about anything.
12 Naturally if there were certain subjects which interested
13 all Corporations well, the President could inform them
14 and they could later on, if the litigation point was
15 submitted to the Federation, well naturally the President
16 would be fully informed about it.

17 Q. Would the cost such as professional
18 fees and so forth and such negotiations at the time of
19 the meeting with the Ship Owners and the D.O.T., were
20 they incurred by the Federation or by each member group?

21 A. By each member group.

22 Q. Did the Federation or its President
23 have something to say or some views and requests submitted
24 by each member group to the Pilotage Authority and to the
25 Ship Owners at this meeting?

26 A. No.

27 Q. You mentioned beforehand that in 1960
28 you had submitted your brief, a brief of the Federation
29 to a certain number of members of Parliament after having
30 submitted it to the Minister of Transport. Does that



1 FRENCH

2 constitute what was called undue political pressure?

3 A. No, not at all, because insofar as undue
4 political pressures on the part of pilots -- I don't think
5 they were ever made, such pressures. I just think that
6 we have exercised our own privileges as Canadian citizens.
7 Insofar as undue political pressures are concerned well,
8 I think with the Ship Owners having amongst their members
9 Senators and others -- well, I think they are in a better
10 position than we are in order to make strong political
11 pressures.

12 MR. LALONDE: May I speak to the witness, My
13 Lord?

14 THE CHAIRMAN: Permission granted.

15 MR. LALONDE: Q. In 1960 then, you had faced
16 this difficulty which lasted until October, ~~entire~~ submission
17 of the brief of the Dominion Marine and the Federation?

18 A. At the beginning of the year 1961
19 there was always this question of imposing the status of
20 Civil Servants on pilots on Upper St. Lawrence and the
21 Federation was told about this and we made some representa-
22 tions at the Department so that this would not be imposed
23 upon the pilots against their free will.

24 Q. You said this morning that you were
25 dealing only with problems of a general nature and not
26 of a particular nature and consequently this was a problem
27 of a particular nature?

28 A. When this offer from the Civil Service
29 was made -- well, it was agreed that it would be only
30 that one District of the St. Lawrence but after having



1 FRENCH

2 discussed this problem we all agreed that this was only
3 the beginning and that subsequently some demands would be
4 made to see to it that all pilots fell within the juris-
5 diction of the Civil Service..

6 Q. In 1960 did you make any representations
7 dealing with the adoption of Bill C-80?

8 A. Yes, that is correct. The Vice-
9 President of the Federation at that time made certain
10 representations at the Senate about this Bill C-80.

11 Q. In 1961 were there any important
12 activities within the Federation? Did you have anything
13 to do concerning this Submission in the House of Commons
14 of Bill C-98?

15 A. Yes, Bill C-98 submitted in the House
16 of Commons and the Senate bore Section 15 which tried to
17 exempt from compulsory pilotage dues American lakers.
18 Upon the agreement with the Minister of Transport on
19 October 13th we had given our word that we would not
20 exercise any pressure in order to collect the pilotage
21 dues which have been imposed upon them until the negotia-
22 tions of that time between Canada and the United States
23 would be over. In July, 1961 these negotiations were
24 over and the Government submitted this Bill C-98 and
25 through this Section 15 tried to exempt these American
26 lakers, so we made some representations -- representations
27 were made before the Committee of Channels---

28 MR. LALONDE: Transportation, telegraph lines
29 and perhaps something else?

30 A. So that this clause 15 be withdrawn from



1 FRENCH

2 the Bill, but unfortunately this was to no avail because
3 the Act was adopted.

4 Q. Had you asked prior to that to take
5 part or be informed about the negotiations going on with
6 the American Government or American Authorities about
7 the adoption of Bill -- rather upon the implementation of
8 Bill C-80 in the course of 1960 1961?

9 A. We had asked the Minister that our
10 legal adviser and a pilot attend these negotiations, but
11 we were denied our request. The other article in Bill
12 C-80 which is quite strange is the following: The
13 Government was telling us that they were trying to eliminate
14 the non-licenced pilots and keep them from piloting in
15 strictly Canadian waters and the amendment of Bill C-90,
16 Article 16, it provided for a penalty which could be
17 levied upon someone who is performing pilotage without being
18 licenced through the Government, well the penalty was
19 waived and the present sentence which was included in that
20 clause was withdrawn and that was what was done even today.
21 If a non-licenced pilot did some pilotage in these waters
22 and instead of being sued -- if they were sued and put in
23 prison for a month it seems the result would have been
24 better.

25 Q. Let us come back about your representa-
26 tions that were made about Bill C-98. Were there any other
27 efforts made in 1961 within the Federation?

28 A. Through Mr. Charretier, who was then
29 President of the Corporation of River and Seaway Pilots
30 we were informed about the intention of the Department to



1 FRENCH

2 establish a fixed tariff from Montreal to Cornwall instead
3 of having the tariff according to the draft and the tonnage
4 of the vessel. At the time of the offer that Pilotage
5 District of the Federation objected to it but the Department
6 decided to submit an attractive offer and included in the
7 by-laws of the District.

8 Q. In the year 1962 what are the most
9 important events within the Federation or do you have any
10 other points you would like to stress as regards 1961?

11 A. 1961 we prepared the briefs and we had
12 submitted them to the Minister as well as to the Dominion
13 Marine and personally to the representatives of the
14 Shipping Federation.

15 Q. Those are the same briefs that we
16 mentioned before?

17 A. Yes.

18 Q. Are there any other problems that you
19 may have omitted?

20 A. Yes. If you allow me I am going to
21 refer to my files. I see one more about collection of
22 accounts past due. We went on ~~taking pressures~~ with the
23 Federal Government to see to it that the collection of
24 dues be accelerated. This is the only thing I remember
25 at the present time.

26 Q. Are there any other points you would
27 like to make about the year 1962? Mr. Bedard, you stress
28 the point concerning the collection of accounts. To your
29 knowledge did the Federation of Pilots ever make a request
30 to take it upon themselves to collect the pilotage dues?



1 FRENCH

2 A. I think so, but I couldn't tell you,
3 not officially. I believe at one time or another we had
4 submitted to the D.O.T. that if the collection wasn't
5 wasn't approved then we would do it ourselves.

6 Q. Was this done orally or in writing?

7 A. I can't remember very well because I
8 told you that, just like that.

9 Q. Was that the point that has been
10 mentioned recently or was it studied for many years?

11 A. Not for many years.

12 Q. Was that prior to 1960?

13 A. I don't think so. I think it was
14 just 1960.

15 MR. JACQUES: What was the answer of the
16 Department about that?

17 THE WITNESS: Well, I think Mr. Jacques that
18 an oral answer only was given because I can't find anything
19 more about that.

20 THE CHAIRMAN: Was it really and truly a
21 question that was being asked. This was rather an
22 assertion.

23 THE WITNESS: Perhaps. Before answering
24 further any questions I would like to look up the
25 correspondence or minutes to find out if there is any
26 mention therein.

27 MR. BRISSET: On September 9th a letter
28 addressed to Mr. Paul Bailly I see the following notes:
29 With respect to item (e) undue delays in collection of
30 pilotage dues, I am informed that the sum involved has now



1 FRENCH

2 been reduced to a comparatively small figure taking into
3 consideration the total gross earnings of the Districts.
4 As you are aware, the Department has exerted far more
5 pressure in the matter of collecting the overdue debts
6 than was heretofore the case and I assume further causes
7 for complaint on this score are unlikely to arise".

8 THE WITNESS: There has been a great deal
9 of improvement and the problem today is not as serious as
10 it was.

11 Before talking about the events that took
12 place in the year 1962 at the Fall of 1961 the member
13 Corporations informed us that they had received a letter
14 from the Deputy Minister of Transport, a letter which
15 has been filed in Quebec, and advising us that the D.O.T.
16 may have the intention of charging for administration
17 purposes the costs of pilot boats to the member Corporations.
18 As you remember the evidence was given in Quebec that this
19 first letter was rather of an ambiguous nature and we were
20 wondering exactly what was going on. That letter having
21 been received by many member Corporations was finally
22 submitted to the Federation. Then we asked the Corporation
23 which had received that letter to write to the Deputy
24 Minister in order to receive more explanations about that.

25 MR. LALONDE: Q. That Deputy Minister in
26 that case is not an M.P. Am I to understand then that
27 the events of the year 1962 may take a few minutes and,
28 My Lord, perhaps I would like to dwell on these events
29 at the next hearing. Perhaps we could adjourn now?

30 THE CHAIRMAN: So we are going to start with



1 FRENCH

2 this problem and everything that happened following that
3 in the year 1962. We will adjourn now.

4 MR. LALONDE: We will have to deal with the
5 events in 1962 until the establishment of the Commission.

6 THE CHAIRMAN: We stand adjourned until ten
7 o'clock Monday morning at the same place.

8 MR. LALONDE: I think Captain Gendron is going
9 to give evidence Monday morning.

10 THE CHAIRMAN: Yes. We will adjourn.

11

12 ---Adjournment.

13

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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT
MONTREAL

P. Q:

VOLUME No.:

74

DATE:

OCT 7 1963

OFFICIAL REPORTERS

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ANGUS, STONEHOUSE & CO. LTD.
TORONTO, ONTARIO

Montreal, Quebec
Monday,
October 7th, 1963

RPS

1
2 ---ON COMMENCING AT 10:00 A.M.

3
4 MR. JACQUES: My lord, Captain Gendron is
5 here this morning and has asked to be excused. As your
6 lordship knows there is a strike going on and the crews
7 of the McAllister Tugs are also out in sympathy with
8 the Longshoremen, so when a tug is called in attendance
9 it happens that the crew refuses to take a line. Captain
10 Gendron has to organize the staff or even himself to
11 board tugs in order that lines be taken. Captain
12 Gendron will be available sometime this week as soon as
13 the strike is settled or the pressure has eased off.
14 I have asked him to please come when he feels that he
15 can leave his office without causing prejudice to his
16 employer. My lord, at my request . . .

17 MR. LALONDE: I would have to proceed, but
18 on
19 the understanding/Friday night was quite clear and I am
20 not ready to proceed. I haven't even got my witness
21 here.

22 MR. JACQUES: I didn't even know myself
23 until this morning, sir, that the witness would not be
24 able to attend.

25 MR. LALONDE: Your witness is here, at least.

26 THE CHAIRMAN: Captain Gendron is not able
27 to give evidence?

28 MR. JACQUES: He would be able to, but not
29 knowing what goes on he would rather be at his office
30 in order to avoid difficulties. If your lordship wishes
to ask questions of Captain Gendron he is here to answer



any questions and explain the difficulties he faces.

THE CHAIRMAN: We will adjourn for a few minutes.

---A SHORT RECESS.

---FOLLOWING THE SHORT RECESS:

THE CHAIRMAN: Well, we have discussed the situation with the counsel and have decided the only proper thing to do is to adjourn to this afternoon. We will start at two o'clock rather than two-thirty. In the meantime we have a lot of work to do. We are going to have an administrative meeting. There is no use having evidence brought before us that is not well-prepared because we are going to lose much more time that way. Therefore we are going to adjourn to two o'clock.

---ADJOURNMENT.

* * * * *



MR/RP1 English

2

3 ---UPON RESUMING AT 2:00 P.M.

4

5 MR. JACQUES: My lord, I have requested
6 the local Supervisor in Quebec, Mr. Maheux, to prepare
7 a statement of the work done by Pilot Paul Emile
8 Cloutier during the month of June, 1962. This statement
9 was to include all the information available at the
10 pilot office with respect to the work of Mr. Cloutier.
11 This document is now ready and I should like to file
12 it as Exhibit 758. Should my learned friend think
13 that the attendance of the witness, Mr. Maheux, is
14 necessary, I think it could be arranged that he come
15 to Montreal at some future date.

16 MR. LALONDE: I would just like to state,
17 in connection with this Exhibit my lord, that although
18 Captain Rousseau, at the request of Mr. Jacques,
19 selected the name of Paul Cloutier, this remains an
20 exhibit of the Commission. The only function of the
21 pilots in this regard was to select that name. As
22 far as the Pilots' Corporation are concerned, this is
23 an exhibit of the Commission.

24

25 ---EXHIBIT NO. 758: Statement of the workload
26 of a Class B pilot for
27 the busiest month of the
28 year 1962, that is the
29 month of June.

28

29 MR. LALONDE: I am sorry, I am not sure
30 my lord that this is the busiest month in 1962. If I



1 English

2 remember well the testimony of Mr. Rousseau in the box,
3 he was asked what were the busiest months during the
4 year, and if I remember well it was mentioned then well
5 it's busy June and it's busy the fall. It is not
6 certainly a scientific fact.

7 THE CHAIRMAN: In any event, as to the
8 proper qualification for the exhibit, we will refer
9 to the evidence of Mr. Maheux at the time.

10 MR. JACQUES: I am quite prepared to state
11 for the month of June instead of the busiest month.

12 MR. LALONDE: I think that is better. My
13 lord, before examining the witness, Andre Bedard
14 I would like to present a witness for the accountants
15 of the Federation, Mr. Henri Lavoie.

16
17 MR. HENRI LAVOIE, Sworn

18 (THROUGH THE INTERPRETER.)

19 DIRECT EXAMINATION BY MR. LALONDE:
20

21 Q. Could you explain to the Commission
22 what is your age?

23 A. 48.

24 Q. What is your profession?

25 A. An accountant.

26 Q. Are you working alone?

27 A. No, I work with Mr. Provost under the
28 name Provost Lavoie & Company.

29 Q. In Montreal?

30 A. Well we are established in Viau.



1 French

2 Q. Are you an auditor for the St.
3 Lawrence Pilots' Federation?

4 A. Yes.

5 Q. The Federation of the St. Lawrence
6 Pilots?

7 A. Yes.

8 Q. Since the beginning?

9 A. Since the early days of the Federation.

10 Q. These are financial statements on
11 the 31st of December 1960, Federation of the St.
12 Lawrence Pilots; 31st of December 1961 and 31st
13 December 1962. These documents include one statement
14 in French and one statement in English. Are these
15 the financial statements audited by your office?

16 A. Yes.

17 Q. I would like to file these documents
18 under the number 759.

19
20 ---EXHIBIT NO. 759:

Three financial statements
of the Federation of the
St. Lawrence Pilots.

21
22
23 Q. I see that you state in this
24 financial report to the members of the Federation of
25 the St. Lawrence Pilots, Paragraph 2 of the report,
26 you state, and I quote:

27 "All auditing includes the general
28 "review of the accounting procedures and
29 "sampling of the books and all the proofs
30 "that were judged necessary according to



1 French

2 "the circumstances."

3 Could you explain to the Commission what
4 methods you follow for auditing the financial statements
5 of the Federation of the St. Lawrence Pilots?

6 A. Well for the auditing of these books,
7 the basic elements are the examination of the directors
8 bills which establish what should be the fees paid by
9 the members, what should be the salary of the directors,
10 so we make an audit of the income and of the expenses.

11 Q. As far as the expenses are concerned,
12 do you do it by sampling or do you verify each statement?

13 A. We audit all the papers.

14 Q. Have you been able, since the beginning
15 of the establishment of the Federation, have you been
16 able to find all the books that were necessary to make
17 an analysis of the financial statements, and for the
18 approval of these books?

19 A. Yes. We always had all the necessary
20 papers for this auditing.

21 Q. Did the administrators of the
22 Federation give you all the necessary co-operation?

23 A. Yes. We always received full
24 co-operation.

25 Q. Did you find, since the beginning,
26 any mistakes or any faults, any defects in the way the
27 books were kept?

28 A. No, the books are kept according to
29 the proper procedures and correspond to the needs of
30 the Federation.



1 French

2 Q. Did you find any cases where unauthor-
3 ized expenses were made?

4 A. No, not to my knowledge.

5 Q. I see that in the Federation statement
6 ending 31st December 1962, you made a separate state-
7 ment for the expenses, income and expenses of the
8 Congress, March 1962. Is there any particular reason
9 why you included the separate item for this?

10 A. Yes, because in fact this is a separate
11 piece of accounting. This should be kept aside from
12 the books of the Federation and each voucher.

13 Q. And you also have a statement for
14 the Commission on Pilotage. Is there any particular
15 reason for that?

16 A. Yes, because the Commission --- all
17 the Corporation --- the Federation had given a certain
18 amount and for the future years. We thought it would
19 be better to have a separate statement for that.

20 Q. And I note that for the Congress of
21 the Federation you kept this a separate accounting also
22 in 1961?

23 A. Yes.

24 Q. You did not do the same in 1960.
25 Could you explain to the Commission which was the
26 period until 31st December 1960?

27 A. It was from September 1959 to 31st
28 December 1960. I think it was September 1959.

29 Q. When you mentioned September 1959,
30 do you refer to the beginning of the establishment of the



1 French

2 Federation?

3 A. Yes. When it was incorporated.

4 Q. Thank you.

5 MR. BRISSET: My lord, as we did not have
6 the opportunity of looking at these statements, could
7 the cross-examination be postponed until the break
8 of the afternoon?

9 MR. LALONDE: My lord, I object for the
10 following reasons: Mr. Lavoie is an auditor. He
11 cannot give evidence about the opportunity of such and
12 such an expense, or he doesn't say such and such there-
13 fore should be paid by such and such a date. He is
14 only an accountant. He can give proof of the fact
15 that the vouchers were there, and there was a voucher
16 for each expense and each income and he can only
17 witness the expenses made according to the resolution
18 and he cannot give any proof about all things, and
19 different items shown in the statements. I have filed
20 these statements in order that my colleagues will be
21 able to question Mr. Bedard. Mr. Bedard will be able
22 to give answers to each item stated in this document.

23 THE CHAIRMAN: Well we are going to adjourn
24 for five minutes.

25
26 ---A SHORT RECESS.

27
28 ---FOLLOWING SHORT RECESS:
29
30



1 French

2 CROSS-EXAMINATION BY MR. BRISSET:

3
4 Q. Mr. Lavoie I see that in your state-
5 ment on the 31st December 1962 there is an item (a)
6 for the liabilities. I see that there is no payable
7 account. Could you explain this to us, that if, in
8 compiling this statement you took into account the
9 payable funds?

10 A. Well for liabilities we have the
11 reserve fund for the Royal Commission so we have no
12 liabilities at this time.

13 Q. That could be some liability : for
14 this fund, reserve fund and for the Royal Commission?

15 A. No, Well these are the preliminary
16 expenses. We send a special levy to the members and
17 so this was a preliminary sum. There was no liability.

18 Q. If we leave aside the reserve fund
19 for the Royal Commission on Pilotage and come back
20 to my question, am I to understand that there is no,
21 in your statement, payable account for 31st December
22 1962?

23 A. No, there is none.

24 Q. When you studied these papers, and
25 when you do your sampling, do you verify if there is
26 any payable accounts which are not not received?

27 A. Yes, we do verify that, yes.

28 Q. I asked that question because in the
29 preceding years there is in the liability some payable
30 accounts.



1 French

2 A. Well if there had been any in 1962,
3 they would be there.

4 Q. Following your statement, would you
5 take into account a budget which would be established
6 to foresee future expenses?

7 A. Yes. In some cases, but not here
8 because there is no future budget here.

9 Q. You consider as an expense only an
10 expense which has been incurred and approved whether
11 it has been paid or not?

12 A. If it has not been paid, we will put
13 it in one or the other columns.

14 Q. If you take the statement numbered
15 B of the same year, I see that for the expenses there
16 is the following item: turns granted to the President
17 \$2,400. Turns granted to the Directors \$546.91. You
18 have this item in front of you?

19 A. Yes.

20 Q. Earlier we have been told that in
21 the case of turns granted to the President, a discount
22 was granted to the Corporation for this circumscription.
23 Could you explain to us how you made such an entry,
24 turns granted \$2,405? Which was the voucher which
25 made you put that entry in?

AA2 26 A. Well this was the charge made by the
27 member Federation to the Corporation so the Federation
28 pays the member Corporation for the turn granted to
29 their representative.

30 Q. And as the voucher you have a cheque



1 French

2 made by the Federation given to the Corporation of the
3 District?

4 A. Yes.

5 Q. I would like to know if the Corporation
6 sent a bill to the Federation to cover the amount?

7 A. Well it's more or less a letter which
8 is sent to the Federation according to which the
9 Federation owes so many turns to the Corporation for
10 their representative.

11 Q. And this is then approved by a
12 resolution?

13 A. Yes.

14 Q. It is approved by the Board of
15 Directors.

16 THE CHAIRMAN: Are there any other questions?
17 Thank you very much Mr. Lavoie.

18
19 ANDRE BEDARD, Sworn

20
21 MR. LALONDE: My lord, Mr. Rousseau is to
22 be cross-examined by my friend Mr. Mahoney. I under-
23 stand my friend would prefer to postpone his cross-
24 examination until tomorrow.

25 My lord, I had undertaken to provide the
26 Commission with copies of the briefs submitted to the
27 Minister of Transport for the Federation of St. Lawrence
28 River Pilots in answer to the brief of the Shipping
29 Federation of Canada and Dominion Marine Association
30 in 1960. I now have two English copies of these briefs



1 English

2 and I would like to file these documents.

3 THE CHAIRMAN: I think they were already
4 given a number, No. 754.

5 THE SECRETARY: 757.

6 MR. JACQUES: 754, my lord, I have before
7 me.

8 THE CHAIRMAN: So it is 757.

9 MR. LALONDE: I think I had given a correct
10 date for the brief in answer to the Shipping Federation
11 brief, the answer being July 12th 1961 but the
12 Dominion Marine Association I did not have the proper
13 date at the time and it is May 12th 1961.

14 I also tried to find a copy of the
15 agreement with the Minister of Transport in October of
16 1960 and I have not been able to find a signed copy
17 of that document so I think the only thing I have
18 available is the copy I produced which is unsigned. I
19 presume there must be a copy of this in the Department's
20 files and if the Department could provide that, and
21 could check whether the copy tabled is according to
22 what they have in their records, I presume the
23 Commission would be satisfied with this type of
24 evidence.

25 THE CHAIRMAN: When we are in Ottawa we
26 will see that that investigation is given to that.

27 MR. MAHONEY: My lord, I was wondering if
28 that agreement Mr. Lalonde was speaking about is filed
29 as an exhibit and which number was it?

30 MR. JACQUES: As part of Exhibit 756.



DIRECT EXAMINATION BY MR. LALONDE: (CONTINUED)

(THROUGH THE INTERPRETER.)

Q. Mr. Bedard when we adjourned on Friday last week you had explained the different events in the history of the Federation for 1960 and 1961 and we had reached the events occurring in 1962. Could you now explain to the Commission which were the main events in which the Federation was involved up to the time of the establishment of the Royal Commission? You have in front of you a document with a number of notes. Was this prepared by you? There are a number of letters ---

THE CHAIRMAN: Yes, if they are his own notes, he is entitled to use them.

A. At the end of 1961 the Board of Directors of the Federation of the St. Lawrence Pilots was informed by the member Corporation that they had received a letter of the Ministry of Transport informing them that there could be a number of changes, according to the expenses incurred by the Ministry for the administration of the Pilotage. This letter was rather vague and I remember that the Lower St. Lawrence Pilots Corporation wrote to the Ministry to get more information.

On February 20th the Ministry answered the letter by Mr. Rousseau explaining that the proposal came from the Treasury Department and that they were making a number of statistics and that they could not give any more information. However, on 20th February



1 French

2 the Corporation of Lower St. Lawrence Pilots received
3 a letter from the Honourable Mr. Balcer explaining that
4 they proposed to take four and a half per cent of the
5 income of the pilots to pay for the expenses incurred
6 by the Ministry for the St. Lawrence, and so on, and
7 so on the 24th of February Mr. Gaston Rousseau, Presid-
8 ent of the Corporation of Lower St. Lawrence Pilots
9 showed those letters to us.

10 During the winter of 1962, as during every
11 winter, each Corporation of the St. Lawrence established
12 a number of proposals to be submitted to the Joint
13 Committee, including the Shipowners, the Ministry and
14 the pilots.

15 Q. Excuse me for interrupting. You
16 mentioned the letters exchanged relating to the proposal
17 of the Ministry to subtract four and a half per cent
18 of the income of the pilots, of the Quebec pilots to
19 pay for the launches. Did you have any letters
20 exchanged between the St. Lawrence Pilots Corporation
21 and the Federation in this respect, the Federation of
22 Pilots?

23 A. Well if the letters were exchanged,
24 I don't know. This was submitted by the President
25 during one of the Board of Directors' meetings.

26 Q. I would like to know if the letters
27 received by the Corporation of Lower St. Lawrence Pilots
28 were transmitted to you?

29 A. Yes.

30 Q. I am showing you here a group of letters,



1 French

2 the first one of the 26th of November 1961. It's sent
3 by Mr. Wilfred Menard to yourself. It says:

4 Here you will find copies of all
5 letters sent and received by Mr. Baldwin
6 of the Treasury Department.

7 Do you remember having received these
8 letters from Mr. Menard?

9 A. Yes.

10 Q. Here is a photocopy of a letter of
11 the 15th of September sent to Mr. Gaston Rousseau by
12 Mr. Baldwin. Here is a photocopy of the answer sent
13 by Captain Jones to Mr. Menard dated October 13th 1961.
14 Here is a photocopy of the answer of Mr. Menard to
15 Mr. Baldwin of November 1961 and there is a letter of
16 the 21st of February sent to Mr. Rousseau by the
17 Honourable Mr. Balcer. Were they transmitted to the Feder-
18 ation?

19 A. Yes.

20 -

21 -



RPS 1 French

2 Q. Were they transmitted to the
3 Federation?

4 A. Yes.

5 Q. I would like to file these exhibits
6 as a group under the number -- the last was a photostat
7 including marginal notes that were my own notes and
8 I had some ink on top of the original documents.
9 The number is 760.

10

11 ---EXHIBIT NO. 760: Photocopy of letter
12 of 15th September to Mr.
13 Gaston Rousseau by Mr.
14 Baldwin. Photocopy of the
15 reply by Captain Jones
16 to Mr. Menard dated
17 October 13th 1961. Photo-
18 copy of the answer of
19 Mr. Menard to Mr. Baldwin
20 of November 1961, and there
21 is a letter of the 21st
22 of February sent to Mr.
23 Rousseau by the Honour-
24 able Balcer.

25 THE CHAIRMAN: I understand that part of
26 these letters have already been produced in Quebec by
27 Mr. Rousseau.

28 MR. LALONDE: Q. We tried to find the
29 number of the exhibit, my lord. I remember at least
30 one of the letters was filed by Mr. Rousseau, but
I wasn't able to find the number of the exhibit. In
fact the last letter of February 20th was filed in
Quebec.

Now, what was the decision taken by the
Federation of St. Lawrence Pilots as regards this
proposal, Mr. Bedard?



1 French

2 A. Could I look at the minutes?

3 It has been moved according to the report of the letter
4 that the Federation Committee accompanied by Mr. Marc
5 Lalonde of the Committee of the National Pilots of the
6 Canadian Merchant Service Guild should go to Ottawa
7 in order to protect against what this letter implied.

8 Q. Do you know if such a meeting in
9 Ottawa was held subsequently?

10 A. Yes, I remember that I was personally
11 with the members of the Federation and the Canadian
12 Merchant Service Guild to Ottawa where I met with the
13 Honourable Minister of Transport in order to protest
14 against such measures.

15 Q. What was the answer that you obtained
16 at the time?

17 A. Mr. Balcer stated that he would
18 study the matter further.

19 Q. When I interrupted you earlier you
20 started to mention the fact that the members had
21 prepared a brief, if it can be called such, to be
22 submitted to the Pilotage Authority as regards winter
23 navigation?

24 A. Yes, as with each year the pilots
25 were studying the year that had just elapsed and based
26 upon certain figures and certain facts, well, the
27 pilots felt that certain requests, either requests
28 for increase of the rates or improvements in the
29 aids to navigation were other elements which might
30 interest the D.O.T., the pilots or the shipowners. All



1 French

2 these requests were prepared in writing and sent
3 to the Department and the D.O.T. apparently sends
4 copies of these suggestions to the authorities concerned.

5 Now, in that year the meetings were
6 scheduled on the 26th and 27th of February to be held
7 in Montreal, and these meetings were held. Each
8 Pilot Corporation represented by its Board went to
9 meet the officers of the D.O.T. and the Shipowners
10 in order to justify their requests and the President
11 of the Federation was at that time -- I replaced the
12 President of the Federation, Mr. Bailley who was
13 sick as an observer, so I attended all those meetings
14 without having any part in them, at least oral.

15 Q. Did you state that you attended
16 these meetings as an observer in February 27th, 1962
17 to replace Mr. Bailley?

18 A. I am sorry, it was the preceding
19 year that I was replacing Mr. Bailley -- no, no that
20 is correct. I was there as a replacement for Mr.
21 Bailley and I was Secretary of the Federation at that
22 time. I would like to say about these proposals - they were
23 studied at length by the pilots and when they submitted
24 the suggestions they tried to justify these proposals.
25 When we met with the Joint Committee we had to face
26 a refusal, categorical refusal on any matter which
27 had to do with the increase in the rates or any type
28 of tariff adjustments and the Shipowners adopted an
29 attitude either they didn't want to discuss the matter
30 of tariffs with pilots -- they would be ready to discuss



1 French

2 the question of wages and income only when the pilots
3 would accept the proposal of minimum or maximum that
4 would be preset. There was no question of discussing
5 the value of each proposal.

6 Q. Did the Federation send a brief to
7 the Pilotage Authority, a brief that would be similar
8 to the one that had been sent by the member groups
9 in 1962?

10 A. No, not that I can remember.

11 Q. Did the Federation take part in any
12 way whatsoever in the preparation of the briefs of
13 each of these member groups?

14 A. Not at all.

15 Q. To your knowledge had these briefs
16 been sent to the Pilotage Authority before the holding
17 of the meetings of February 26th and 27th that you
18 have mentioned?

19 A. I think so.

20 Q. Would you be in a position to tell
21 us approximately how long before the holding of this
22 meeting these briefs had been sent?

23 A. I couldn't tell you exactly.

24 Q. Upon these meetings of February 26th
25 and 27th did the Shipowners submit written counter-
26 proposals or any written documents to submit to you?

27 A. I didn't see any of them.

28 Q. Did the Pilotage Authority, did the
29 representatives of the Pilotage Authority have with
30 them certain documents or counter-proposals to submit



1 French

2 to you?

3 A. No, no counter-proposal. They had
4 a few documents but no counter-proposal whatsoever.

5 Q. Did you have an opportunity of
6 looking at the Shipping Federation brief?

7 A. Yes.

8 Q. Could you please tell me if Schedule
9 66 which includes a list of briefs suggested to the
10 Pilotage Authority and sent in by different Corporations
11 aiming at a meeting of February 27th, 1962, does that
12 list seem to be in accordance with the briefs sent?

13 A. Yes.

14 Q. You have had time to read that
15 previously?

16 A. Yes, I read this previously a good
17 while ago and I had read the brief that had been
18 submitted by each member Corporation and the list seems
19 to be in accordance.

20 Q. Had you attended a meeting of the
21 preceding year with the Pilotage Authority for
22 winter negotiations?

23 A. For the preceding winter in the year
24 1961 I think I had attended only the meeting of the
25 Pilots of Lower St. Lawrence.

26 Q. Were the Shipowners in attendance
27 at that time?

28 A. No, they weren't in attendance.

29 Q. What was the result of those meetings
30 on February 26th and 27th, 1962 and what decisions did



1 French

2 you make after these meetings?

3 A. Well, facing this total refusal
4 to negotiat~~ion~~ we have decided just the same to try
5 and be heard by the D.O.T. and try and obtain a
6 decision after negotiations in order to rev~~ise~~ the
7 requests that are being by the pilots. Amongst others
8 we have sent on March 6th a letter to Mr. Alan Cumyn
9 as well as to Mr. Balcer to that effect.

10 Q. I would like to show you a copy
11 of a letter I sent to the Honourable Mr. Balcer and
12 Mr. Alan Cumyn dated March 7th, 1962. Could you
13 please tell me if you received a copy of that letter and it
14 had been drafted upon your instructions?

15 A. Yes, that is correct.

16 Q. What subsequent developments did
17 you have about that letter?

18 A. Well, there were no immediate
19 developments, but in interim we also sent on March
20 7th letters to the Honourable Balcer informing that we
21 have been told about this question of the four and a
22 half per cent and we contested this request from the
23 Department to take four and a half per cent of the
24 income from the Quebec District for administration
25 purposes.

26 Q. I would like to show you a copy of
27 a letter I sent myself to the Honourable Mr. Balcer.
28 Did you receive a copy of that letter and is that a
29 letter which was sent upon your instructions?

30 A. Yes, that is correct.



1 French

2 MR. LALONDE: I would like to add that
3 with the exhibit already filed in a bundle to do with
4 the question of the four and a half per cent.

5 THE CHAIRMAN: So it is added to Exhibit
6 760 entitled letter from Marc Lalonde addressed to
7 the Honourable Mr. Balcer dated March 7th, 1962.

8 MR. LALONDE: Q. Did anything transpire
9 later on?

10 A. Well, afterwards we held a convention
11 which took place on the 14th, 15th and 16th of March,
12 I think, and naturally at the time of the convention
13 and general meeting of the member delegates the questions
14 that had remained pending during the previous winter
15 aside from that matter of the four and a half per cent
16 were discussed at length and at the meeting of the
17 delegate members we entrusted the Federation with the
18 following task so that it would be everything in its
19 power so that the negative attitude on the negotiations
20 would be changed and the Federation should do everything
21 in its power so that this part of the pilots' income
22 or earnings should not be used for administration
23 purposes.

24 Q. Was that resolution adopted unanimously
25 by the members?

26 A. Yes.

27 Q. I would like to show you a letter
28 dated the 14th of March 1962 addressed by Mr. Alan
29 Cumyn to myself concerning the winter negotiations.
30 Did you have an opportunity of looking at that letter?



1 French A. Yes.

2 Q. Could you please tell us if this
3 is the first letter that you have received following
4 the meeting of February 26th and 27th?

5 A. Yes.

6 Q. You mentioned beforehand that there
7 was a negative attitude on the part of the D.O.T. and
8 the Shipowners at these meetings. Is there in this
9 letter a certain number of points upon which the
10 Pilotage Authority seems to be ready to accept the
11 pilots' proposals ^{or} ~~at~~ any rate to deal with them;
12 study them more at length?

13 A. Yes, to consider them and to examine
14 them and study them.

15 Q. Insofar as the tariff matter is
16 concerned were you being told that this question would
17 be studied or considered or was the answer negative?

18 A. The answer was negative because it
19 was stated the pilots already had earnings that were
20 quite too high. This was according to the D.O.T., of
21 course.

22 Q. ~~Does~~ that rule also apply to all
23 Corporations?

24 A. Yes.

25 Q. If you study that letter closely
26 is there no reference made also to the fact that the
27 tariff increases would be considered in certain
28 cases, I am thinking for example, of the Montreal Har-
29 bour, if there is an enforcement of the target
30 income?



French

A. Yes, that is correct. The D.O.T. and the Shipowners no longer wanted to discuss the question of tariffs, but they quite a while ago already started to discuss the target income, possibility of minimum and maximum. I would like to draw the attention of the Commission upon part of that letter, Item 8 which is in English:

"That the making of a regulation ensuring
"that no vessel will be loaded beyond a
"certain draught in the St. Lawrence River
"would appear to be beyond the purview
"of the Pilotage Authority, but I can
"assure you that we appreciate the seriousness of this problem and are presently
"discussing it with the Ship Channel
"Division of the Marine Works Branch. You
"will be advised later in this connection."
(THROUGH THE INTERPRETER.)

Q. Was it because of the request that had been made by the member group at the February meeting?

A. The Corporation of the Mid-St. Lawrence Pilots.

Q. And they had asked for what?

A. Perhaps I should read the text. It is the second volume of the Shipping Federation brief on page 197, appendix 66, and the regulation was the following:



1 French

2
3 "ensuring that no ship be loaded beyond
4 "a draught which will leave a safe margin
5 "under the keel."

6 Q. Did you receive any further inform-
7 ation on this letter of March 14th 1962?

8 A. Well, the Federation of the St.
9 Lawrence Pilots didn't receive any further information
10 but the Mid-St. Lawrence Pilots could certainly give
11 evidence to this fact.

12 Q. If I understand you correctly so
13 far as the tariff matters were concerned in the
14 adjustments of certain tariffs you didn't obtain any
15 concession on the part of the D.O.T. in the letter
BB2 16 sent by Mr. Cumyn of March 14th?

17 A. Before obtaining the concession from
18 the Department insofar as income was concerned I was
19 ready to accept the suggestion of discussing income,
20 target income which would be established within a
21 certain range with a guaranteed minimum and with a
22 certain maximum.

23 Q. What further developments occurred
24 upon receiving that letter? You had mentioned that
25 on March 15th you had held a meeting of the member
26 delegates, your general annual meeting, were there
27 any further developments?

28 A. I think we had sent telegrams to
29 the D.O.T. I am going to refer to the minutes.

30 Q. Did you take any steps in order to



1 French

2 meet the Pilotage Authority upon receiving that?

3 A. Yes, we took some steps. At any
4 rate the regulation was adopted and we have sent,
5 I think, a copy of the resolutions to the Minister
6 relating the use of part of the earnings of the pilots
7 to cover the services which were at the sole advantages
8 of the Shipowners.

9 Q. Now, concerning the winter negotiations
10 proper, I understand that you had two things to
11 tackle, two problems to tackle at the same time. In
12 the first place you had to study this problem of the
13 four and a half per cent insofar as the Quebec District
14 Pilots were concerned and also the Saint John
15 pilots?

16 A. Twenty-five percent for the Saint
17 John Pilots.

18 Q. And the negotiations concerning the
19 winter navigation?

20 A. Yes, this letter of Mr. Alan Cumyn
21 was read to the delegate members. Perhaps I should
22 read the proposal that has been submitted by
23 J. Leon Pouliot and seconded by Andre Perusse:

24 It has been decided unanimously
25 that because of the negative attitude
26 of the D.O.T. in that respect the Board
27 of Directors of the Federation would take
28 all the necessary steps in order to
29 modify the attitude of the Pilotage
30 Authority.



1 French

2 THE CHAIRMAN: Am I to understand that the
3 Federation was also concerned jointly in the case of
4 pilots of Saint John, New Brunswick?

5 THE WITNESS: No.

6 THE CHAIRMAN: When you are talking of the
7 25 per cent of the pilots of Saint John -- those are
8 the Saint John, New Brunswick?

9 THE WITNESS: Yes, but it is only information
10 that we received. We didn't represent the Saint John
11 pilots in that manner.

12 MR. LALONDE: Q. In your previous evidence
13 you said you had appeared in Ottawa jointly with the
14 Merchant Service Guild?

15 A. The pilots of Saint John were represent-
16 ed by the Merchant Service Guild at that meeting.

17 Q. You said you read the letter of
18 Mr. Cumyn to the member delegates and the resolution
19 was adopted empowering the Board of Directors -- could
20 you please repeat it. I didn't hear the end.

21 A. That the Board of Directors of the
22 Federation should take all the means in its power in
23 order to see that the Pilotage Authority's attitude
24 was modified.

25 Q. So, what did you do subsequent to
26 the holding of the general annual meeting of the
27 Federation?

28 A. Well, we went to Ottawa, Mr. Lalonde
29 and myself and called upon the Honourable Mr. Balcer
30 and the officers of the Department in order to talk



1 French

2 about the seriousness of the matter and
3 to put an end to the studying of these matters and
4 action
5 immediate/be taken. The Minister told us that he was
6 to meet some administrators the next morning and we
7 would have a telephone conversation with him the next
8 afternoon. During that telephone conversation we
9 were supposed to be told what elapsed at that time.
10 After that interview we had some interviews with the
11 officers and Mr. Lalonde and myself went to Montreal
12 and I had convened or called by a phone a meeting of
13 the Board of Directors so that they would be on hand
14 as soon as we received the information from the D.O.T.
15 or the Minister on the next day. Unfortunately Mr.
16 Balcer informed us the Shipowners couldn't meet
17 with him and that the meeting had been delayed until
18 March 27th. We sent on March 22nd a telegram addressed
19 to Mr. Baldwin and another addressed to Mr. Balcer.

20 Q. I would like to show you a copy of
21 the two telegrams sent and addressed to Mr. Baldwin
22 and the other one to Mr. Balcer. Could you please
23 tell me if you had the opportunity of reading these
24 two documents and if those telegrams have been sent
25 on your instructions?

26 A. Yes, that is correct, but I would
27 like to add here . . .

28 Q. Could you please read them?

29 A. The first telegram was sent out to
30 the Honourable Mr. Balcer, Minister of Transport,
Hunter Building, Ottawa, Ontario, dated March 22nd, 1962



French

Submitted a report to the Directors of the Federation of St. Lawrence Pilots. We thank you for your interview. The directors agree that due to the concessions which granted you as regards the freezing of the tariffs for two years and the serious study of the system of semi-guaranteed income ~~or~~ request concerning adjustment of tariffs and other matters should be justified and should be accepted by Shipowners. Requests made after realistic study of this situation for the Pilotage Districts and no request has been made arbitrarily. We do hope that you will convince the Shipowners of our good requests and we thank you in advance for your attention. Letter follows.

(Signed),

Marc Lalonde.

The other telegram also dated March 22nd, 1962 has been sent to Mr. J.R. Baldwin, Deputy Minister of Transport, Hunter Building, Ottawa, Ontario:

"Mr. Bedard and myself have reported
"to Board of Directors of Federation of
"St. Lawrence River Pilots. Express gratitude
"for interview granted to us. Directors
"wish to stress that in view of important
"concessions offered concerning tariff
"freeze for two years and serious and



French

"thorough study of target income: system
"their request for tariff adjustment and
"other matters are reasonable and should
"be accepted. Our requests have been made
"on basis of careful examination of the
"situation in Pilotage Districts and are
"thoroughly justified in our view.
"Directors hope you will reach similar
"conclusions."

(Signed),

Marc Lalonde.



R/RPS 1 French

2 (THROUGH THE INTERPRETER.)

3 Q. You mentioned in those documents
4 that you had made concessions especially about the
5 freezing of the rate or the tariff for two years and
6 a promise of thorough study of the Shipowners' proposal
7 in the interim. Do you remember when these concessions
8 have been made?

9 A. I think they have been made upon the
10 visit of March 20th in Ottawa and that we had
11 discussed this matter with the officers of the
12 Department at that time.

13 Q. Did you receive an immediate answer
14 to these documents?

15 A. No. We were waiting for the letter
16 that had been promised by the Minister and which had
17 been delayed because it had been impossible for the
18 Minister to meet with the Shipowners. Then we contacted
19 the Department by phone in order to ask them what was
20 going on.

21 Q. I would like to show you a letter
22 dated March 23rd sent by Mr. Baldwin to myself. Did
23 you read that document in the files of the Federation?

24 A. Yes.

25 Q. Could you please tell us briefly
26 what is contained in that letter?

27 A. This is an acknowledgment of the
28 telegram sent on the 22nd of March and it stated the
29 question is under study.

30 Q. Now I would like to show you a copy



1 French

2 of a letter from the Minister of Transport sent to
3 myself on March 26th 1962 with the mention that it
4 has been received on March 28th 1962. Did you have
5 the opportunity of reading that letter as well? Tell
6 us, in part, what is that letter concerned with?

7 Q. Well this is an acknowledgment of
8 the letter dated March 6th in which we asked the
9 officers to study the request for winter negotiation,
10 according to their own value and this stated, we have
11 stated the Shipowners and the Government authorities
12 had decided to adopt a negative attitude without even
13 studying the matter further and we say that it is up
14 to the D.O.T. to try to reconcile the differences
15 of opinion which may arise at times between the
16 Shipowners and the pilots concerning working conditions.

17 Q. This letter that you received, this
18 is after the meeting of March 20th and had do with
19 the first letter that had been sent out on March 6th
20 1962?

21 A. Yes.

22 Q. Was there in that letter any
23 reference to the meeting that you had had on March
24 20th 1962?

25 A. None.

26 Q. What were the subsequent developments
27 after having received that letter on March 29th?

28 A. A telegram was sent to Mr. Balcer
29 and we got a copy of that telegram and this was sent
30 by the Corporation of the Mid-St. Lawrence Pilots advising



1 French

2 the D.O.T. that the Corporation of the Mid-St. Lawrence
3 Pilots was to hold a general special meeting of all
4 of its members on March 30th in Three Rivers I think.

5 Q. I would like to show you a copy of
6 a telegram that has been sent by me to the Honourable Mr.
7 Balcer dated March 29th 1962. It that the telegram
8 to which you are referring?

9 A. Yes.

10 Q. And the copy of that telegram was
11 sent to the Federation?

12 A. Yes. It has been addressed or
13 transmitted. It was in the files of the Federation.

14 Q. After that my lord I would like to
15 file the answer of the Minister to that telegram. I
16 don't know if it is taken from the files of the
17 Federation or my own files. It is a telegram dated
18 March the 30th which reads as follows:

19 "Received your telegram this

20 "morning I would like to assure you that

21 "the question is getting all of my

22 "attention at the present time and I

23 "do hope that I will be with you next

24 "week at the beginning of next week."

25 (Signed),

26 Leon Balcer,

27 Minister of Transport.

28 I would like to file it with the same
29 documents as it has to do with the same matter.

30 Q. After having sent that telegram, and



1 French

2 at the meeting of March 30th of the Corporation of the
3 Mid-St. Lawrence Pilots what were the developments that
4 took place?

5 A. Well for many weeks the pilots'
6 proposals had been submitted officially and studied
7 and the question was still under study and the navigation
8 season was practically ready to start and the winter
9 negotiations gave no results and the question of the
10 four and a half per cent to be kept from the Quebec
11 pilots' earnings was still pending.

12 This matter was not settled so there was a
13 meeting of the Board of Directors of the Federation
14 which was held at the headquarters in Montreal on
15 April 3rd and at that time the Corporation told us
16 about its intention of stopping work and other represent-
17 atives of the other Corporations on the Board of
18 Directors of the Federation told us that it is their
19 intention to take such steps, so it has been resolved
20 that the Federation support all the member Corporations
21 which may stop work as they will be so advised by the
22 Board of Directors at the general meeting.

23 THE CHAIRMAN: This was at a meeting of
24 the 30th of March?

25 THE WITNESS: Yes, and it was at the meeting
26 of the Corporation of the Mid-St. Lawrence Pilots and
27 the Federation was not present then. At the Board
28 of Directors of the Federation of Pilots, April 3rd,
29 member Corporations advised us that it was the intention
30 to stop work until all the questions that were pending



1 French

2 had been settled and other Corporations at that time
3 believe that perhaps they would take the same steps
4 and perhaps would adopt the same attitude. Consequently,
5 a resolution had been moved at the meeting of the
6 Board of Directors of the Federation and it has been
7 resolved that the Federation would support any
8 Corporation that would stop work. by Co

9
10 These Corporations advised us that they
11 wanted to hold meetings of their members.

12 Q. Could you please tell us if a
13 resolution of that type had been adopted in any way
14 whatsoever prior to April 3rd by the Federation of
15 the St. Lawrence River Pilots?

16 A. No, nothing of that type.

17 Q. Do you mean to say ---

18 A. Well nothing specific as such.

19 Q. The only resolution that we could
20 refer to on that subject is the one you have quoted
21 at the general meeting of delegates which was held
22 on March 15th 1962?

23 A. Yes, that is correct.

24 Q. Did the Federation of the St.
25 Lawrence Pilots take the initiative in any way whatever
26 in this decision to stop work?

27 A. No, not at all because I remember
28 very well that as President I had to explain to the
29 administrators of the Federation the seriousness of
30 such an action; what might stem from it and all the



1 French

2 complications that might result from it and the decision
3 to support the member Corporations has been taken later
4 on, but it came from a member Corporation and not from
5 within the Board of Directors of the Federation.

6 Q. To your knowledge, without their
7 having been any resolution adopted about this matter,
8 were there at meetings held prior to the meeting of
9 the Board of Directors, were there any decisions to
10 stop work at any rate at the level of the Federation?

11 A. No.

12 Q. So as soon as a decision was made,
13 what action was taken by the Federation of the St.
14 Lawrence Pilots?

15 A. Well we notified the Minister by
16 telegram, sending a copy of that telegram to Captain
17 Matheson advising him about the situation.

18 Q. What was the date of that telegram?

19 A. April 4th.

20 Q. I would like to show you a copy of
21 a text that has been sent by you to the Honourable
22 Leon Balcer mentioning a telegram sent to the Honourable
23 Leon Balcer, Department of Transport, Ottawa, April
24 4th 1962. Is that the document you referred to?

25 A. Yes.

26 Q. Could you please read to the
27 Commission the text of that telegram?

28 A. The Honourable Leon Balcer:

29 "These systematic delays on the
30 "part of Shipowners to study the requests



French

"of the pilots and the refusal to study
"the pilots' proposals forces the pilots
"of the St. Lawrence to convene a special
"general meeting of all pilots of the
"St. Lawrence starting April 5th at midnight.
" Appropriate measures have been taken so
"as to avoid any danger to the safety
"of navigation and to river communities.
"We are at your disposal at all times."

(Signed),

Andre C. Bedard,

President,

Federation of the St.

Lawrence Pilots.

Q. You say you have sent a copy of
that telegram to Captain Matheson of the Shipping
Federation?

A. Yes, that is correct. And appropriate
measures have been taken in order to avoid any danger
to navigation and we have advised the pilots who would
be on board ships after midnight to go on with their
trips and to take their ship to their destination and
to put the ship in a safe place.

Q. And what occurred after April 4th
1962, after you sent that telegram? Did the Minister
answer this telegram?

A. I think that the answer of the Minister
reached us, I don't know how long after.

Q. I would like to show you a copy of a



1 French

2 telegram that has been addressed by the Minister of
3 Transport to Mr. Andre Bedard dated April 5th in the
4 afternoon, 12:59. Is that the telegram that you might
5 have received at that time?

6 A. Yes, that is correct.

7 Q. And I notice that another text
8 is written at the bottom of the message written by the
9 Honourable Balcer. Is that a document sent by you?

10 A. This is the answer to his telegram.

11 Q. And sent by yourself?

12 A. Yes.

13 Q. As these texts are French, could you
14 please read them so we may have an English copy in
15 the record?

16 A. The first telegram is addressed to
17 myself and dated April 5th 1962, 12:59 P.M. and the
18 text reads as follows:

19 "Received yesterday at the end of
20 "the afternoon your telegram informing
21 "me about the possibility of a stoppage
22 "of work on the part of pilots for this
23 "evening. I regret sincerely the measure
24 "which has been taken by pilots because
25 "I had studied that problem in order to
26 "try to conciliate the apparent differences
27 "of opinion between Shipowners and pilots
28 "aiming at submitting constructive proposals.
29 "A letter with the explanation will be
30 "addressed to the Federation of Pilots



French

"within 24 hours and the copy of it
"will be sent to the Shipowners. I
"hope that the pilots won't take any
"steps without the question being
"studied with the Shipowners in the
"light of the communication."

And it is signed Leon Balcer, Minister
of Transport.

The second telegram is a message that
has been transmitted to the Honourable Balcer 3:30 in
the afternoon on the same date:

"Acknowledge receipt of your
"telegram. We thank you for considerations
"given to the problem. We recall our
"repeated phones and negotiations with
"the D.O.T. and the Shipowners and as
"indicated in yesterday's telegram we are
"at your disposal at all times in order
"to discuss and settle pending problems.
"We assure you that measures are being
"taken in order to avoid any danger to
"the ships and the river communities.
"We would like to recall the positive
"attitude of pilots and we believe that
"the present problem could be settled
"readily and facing the dilatory attitude
"of the Shipowners and past experience with
"the latter we regret that it will be
"necessary for us to maintain the steps as



1 French

2 "envisaged."

3 (Signed,)

4 Andre C. Bedard,

5 President of the Federation
6 of St. Lawrence Pilots.

7 Q. So now we have reached the end of
8 the afternoon. Did that stoppage of work really
9 take place at the end of that day?

10 A. Yes. That is correct. The pilots
11 from three Corporations stopped going on board
12 vessels, starting at midnight at that date.

13 Q. You say pilots of three Corporations.
14 Are there not five member groups within the Corporation?

15 A. Yes, there are five member groups
16 and two member groups had not as yet started their
17 pilotage activities because the St. Lawrence Seaway
18 was not open entirely because every year it opens on
19 April 15th and we had reached only the date of April
20 5th.

21 Q. At the end of that stoppage of work
22 was the Seaway opened?

23 A. No.

24 Q. So during the duration of that
25 stoppage of work there were, in effect, three member
26 groups which truly refused to pilot?

27 A. Yes.

28 Q. On April 6th, that is the first
29 day of the work stoppage ---

30 A. On that date we received the letter



1 French

2 which had been promised by the Honourable Balcer, the
3 letter that had been promised for many weeks.

4 Q. I have here a letter of the Honourable
5 Balcer addressed to myself dated April 5th 1962. Is
6 that the letter you referred to and did you read that
7 letter?

8 A. Yes.

9 Q. At that time?

10 A. Yes.

11 Q. Did that letter refer to your meeting
12 of March 20th or to other events that took place on
13 that date?

14 A. I think it is our meeting of March
15 20th. I have studied the proposal that you have
16 made last week, and the letter is dated April 5th.

17 Q. Did you in fact make a proposal
18 on the preceding week?

19 A. Not that I can remember because I
20 think that a proposal was dated March 20th, and I
21 don't recall having read that letter during the last
22 two days but if I remember correctly, this letter was
23 leaving problems -- that problems would be still
24 studied and had been suggested, any alternative aside,
25 to accept this minimum and maximum. That it is up to
26 the Supervisor once more your lordship to establish
27 a certain guaranteed minimum, a kind of target income.

28 Q. Was this letter, as you say, received
29 on April 6th?

30 A. Well around the 6th or 8th of April.



1 French

2 Q. Was there any further exchange
3 of correspondence or telegrams with the Minister at
4 that time?

5 A. Not on that date. I think that the
6 following one was on April 9th.

7 Q. I would like to show you copies of
8 documents which seem to be copies of telegrams, one
9 from the Honourable Balcer addressed to yourself dated
10 April 6th in the afternoon at 1:12, and I would like
11 you to tell me if you remember having received such
12 a telegram? The other documents that were filed had
13 to do with April 5th 1962?

14 A. That is correct.

15 Q. Do you remember having received that
16 document?

17 A. Yes.

18 Q. Could you please read it as the text
19 is also in French?

20 A. April 6th, 1:12 P.M., sent to myself
21 and signed by Leon Balcer and the text reads as follows:

22 "Re your last telegram you will have
23 "received my letter to the effect that
24 "the Shipping Federation could study with
25 "the pilots the proposal concerning the
26 "establishment of the earnings (target
27 "income) and that the two parties should
28 "meet again in order to discuss this
29 "matter. However, I would like to remind
30 "you that in the course of the different



French

"meetings that were held in the past weeks
"the D.O.T. has studied each and every one
"of the numerous proposals submitted by
"pilots regarding working conditions, or
"financial matters, and that the D.O.T. had
"studied and even acted upon certain
"of these proposals practically immediately
"by granting other pilotage licences for
"Three Rivers, Montreal and by accepting
"to look after the study of the apprentice-
"ship programme in Cornwall . . . "

I apologize, this apprenticeship programme
of Cornwall is still under study at the present time.

". . . In this District there are only
"illusions made to the delays and not to
"the pending matters. Unless you talk
"directly about these proposals and all
"the requests submitted by your groups
"of pilots this year be accepted without
"any modification for two years period
"perhaps you would like to elucidate
"or give further details about your
"attitude concerning pending matters and
"correct matters."

(Signed,)

The Honourable Balcer.

Q. I would like to show you a copy
of a text entitled telegram sent to the Honourable
Balcer dated April 6th 1962 and signed by yourself.



1 French

2 Do you remember having answered the telegram sent by
3 the Honourable Balcer?

4 A. Yes.

5 Q. Would that constitute then the
6 answer that you have sent to the Honourable Balcer?

7 A. Yes.

8 Q. Could you please read it?

9 A. Montreal, April 6th 1962, addressed
10 to the Honourable Balcer, Parliament Buildings, Ottawa,
11 Ontario:

12 "Acknowledge receipt of your
13 "telegram of April 6th. However, regret
14 "to notice that you were badly informed
15 "pending matters. First, no official
16 "statement was issued by your Department
17 "in order to cancel the proposal that part
18 "of the earnings of the pilots used for
19 "administration purposes of Pilotage.
20 "2: No licence has been issued in order
21 "to increase the number of pilots in
22 "the Quebec-Montreal District.
23 "(3) No date has been set by your
24 "Department for the enforcement of the
25 "apprenticeship system of Cornwall except
26 "suggest this spring of 1963.
27 "(4) No decision so that the pilots of
28 "Cornwall-Kingston no longer have to go
29 "outside of their own District.
30 "(5) No realistic basis has been established



1 French

2 "in order to compute or figure out the
3 "earnings of pilots. a At the present
4 "time the figures given by the Department
5 "are exaggerated. We thank you for
6 "your attention to these problems and
7 "we do hope that there will be a solution
8 "to them in the near future. We are
9 "at your disposal at all times."
10 And that is signed by myself.

11 Q. I would like to add to the documents
12 your lordship a copy of a telegram that has been
13 exchanged between myself and the Honourable Balcer
14 of the same date and about, more or less, the same
15 subject and a copy of that telegram has been sent
16 to the Shipping Federation, to Captain Matheson at
17 that time. Now all the telegrams, in the last
18 analysis, went from myself and went from
19 Mr. Balcer and on April 6th 1962 did you receive an
20 answer to your last telegram? I notice that you have
21 been sending many telegrams stating you are ready
22 to negotiate at all times. Ever since the telegram
23 dated April 4th answering the decision of the stoppage
24 of work, have you received any communication or
25 any letters either orally or direct communication either
26 from the representatives of the Pilotage Authority
27 or from the Minister of the D.O.T. or Shipowners?

28 A. No. The communications that we
29 had are those that are received by telegram and I
30 just read them out to you.



1 French

2 Q. I notice that in your last telegram
3 you mentioned that no licence has been issued in order
4 to increase the number of pilots in the Quebec-Montreal
5 District. Had you ever heard, prior to that, about
6 a decision reported in the telegram of the Minister
7 dated April 6th, in which it has been decided to
8 grant other parties licences of the Montreal District?

9 A. Well the telegram from the Minister
10 was the first news we had about that subject and if
11 I remember correctly, about the same date, after having
12 received that telegram the Montreal pilots told us
13 that they were not aware that any further licences
14 had been granted.

15 Q. I would like to show you another
16 telegram sent on April 7th by you to the Honourable
17 Balcer. Was that telegram sent out in fact by your-
18 self?

19 A. Yes.

20 Q. Could you please read it?

21 A. April 7th, 10:30 A.M., sent to the
22 Honourable Balcer and it is signed by me:

23 "Repeat our willingness to negotiate
24 "with Shipowners at any time in order to
25 "bring a quick solution to present
26 "situation. Have been constantly available
27 "for last four days and deplore that none
28 "of other parties has found appropriate
29 "to agree to meet. Obstinate attitude
30 "of foreign shipowners seems to demonstrate



1 French

2 "their intention, expressed in the past,

3 "to destroy the democratic Pilots'

4 "Associations and their refusal to come

5 "to any kind of agreement."

6 Q. Did you get any answer to this
7 telegram? Do you recall receiving any answer?

8 A. No.

9 Q. Were there any other events after
10 this telegram of April 7th 1962?

11 A. Well the development on the side of
12 the Shipowners and Ministry, no. We had a Congress in
13 Three Rivers where all the members were of the Feder-
14 ation and many members of the Federation were meeting
15 in congress.



3/RPS 1 French

2 On the 8th February which is a Sunday
3 the Eskimo Ship tried to come down the St. Lawrence
4 without a licensed pilot on board and he was grounded
5 a few miles below Montreal and a ship which was
6 coming upriver had his anchor chains in the telephone
7 cables in Quebec.

8 Q. I am sorry, Mr. Bedard. The Congress
9 held on the 7th of April in Three Rivers, were import-
10 ant resolutions taken?

11 A. Well, the members of the Congress
12 voted unanimously their support to the Board of
13 Directors for the leadership, looking after negotiations
14 with the officials.

15 Q. We are on to the 9th of April.

16 A. The 9th -- we received a phone call
17 from the Honourable Minister asking us to come to
18 Ottawa to see him. We went to Ottawa right away at
19 five o'clock in the afternoon and we spent a few hours
20 with him. He asked us to see his people in the
21 Ministry and we saw those people on the same evening,

22 Q. Do you know the results of those
23 communications?

24 A. When we saw the civil servants we --
25 we were asked to put a request for a minimum and even
26 for which the President of the Corporation was given
27 freedom to make some grants, to tone down the request
28 a little.

29 Q. What was the regulation?

30 A. The civil servants took notes where



1 French

2 they had no authority to write anything.

3 Q. Who was present at that meeting?

4 A. Well, there was Captain Slocombe,
5 Captain Gendron and there was a third man -- Captain
6 Jones.

7 Q. Captain Slocombe, Gendron and Jones.
8 Was Mr. Cumyn present?

9 A. Mr. Cumyn wasn't in the room at the
10 time.

11 Q. Was Mr. Cumyn present in Ottawa?

12 A. In Ottawa -- Mr. Cumyn wasn't there.

13 Q. Was Mr. Cumyn in Ottawa?

14 A. No.

15 Q. Were you given any -- what answer
16 did you receive from the civil servants in Ottawa
17 outside of the letter sent by Mr. Cumyn in March,
18 1963?

19 A. You mean from these verbal meetings?

20 Q. What was the result of the negotiations?

21 A. Well, from the winter negotiations
22 on the 26th and 27th of February it was settled that
23 the Ministry would study the proposal to have the
24 apprenticeship system for the Cornwall district.

25 Q. Was this discussed again during the
26 meeting with the civil servants during the meeting of
27 April 9th in the afternoon?

28 A. Yes, Mr. Cumyn told us, on the 26th
29 and 27th of February the Shipowners didn't like it
30 and when we went to Mr. Slocombe during the meeting,



1 French

2 Mr. Slocombe told us that Mr. Cumyn didn't know what
3 he was talking about when he granted us that request.

4 Q. I think I said in 1963. It should
5 be in 1962. In my question I said 1963, not 1962. After
6 this meeting what happened?

7 A. Well, we were asked to stay in Ottawa
8 and the next morning -- we were told the next morning --
9 we were told that the answer would be given to us. We
10 went the next morning to the office of Mr. Slocombe
11 to ask if there was any development and he said no.
12 He said that the Minister didn't accept the latest
13 proposal so we immediately came back to Montreal the
14 same day.

15 Q. Then what happened? This is on the
16 10th of February there was a deadlock?

17 A. On April 11th again we saw the
18 Minister in Ottawa and myself and two counsel. We had
19 long discussions in the Ministry Office and we came
20 to an agreement on principle. The Minister said that
21 he thought that the revised requests were reasonable,
22 but before giving a final answer he wanted to show them
23 to the Shipowners. We left Ottawa quite satisfied and
24 we returned to Three Rivers the same evening where there
25 is a meeting of the Congress to make a report to our
26 people. On the evening of the 10th we came back to
27 Montreal.

28 Q. I am sorry, you are on Wednesday the
29 11th.

30 A. Now we are Thursday in the morning.



1 French

2 We were waiting for the answer of the Minister to see if
3 the Shipowners had accepted our modified request and
4 the Minister told us that the Shipowners had rejected
5 the proposals.

6 Q. This is what day?

7 A. Well, in the circumstances we awaited
8 developments and on April 13th we were called again
9 to Ottawa to see the Minister and finally we reached
10 a final agreement.

11 Q. This is the text of the letter signed
12 by the Honourable Leon Balcer sent to you on the 13th
13 of April, 1962. Could you tell us if you have seen this
14 letter and if this is a letter drafted by the Minister
15 after the agreement of the 13th of April, 1962?

16 A. Yes.

17 Q. I note that this document includes
18 a number of items. The first one is general items for
19 the river. Would you read the first item?

20 A. Calculation of the net income: as
21 far as the calculation of the net income is concerned
22 we could accept the formal agreement to which each pilot
23 could have 30 days of sick leave or social leave each
24 year to reach the number of effective pilot figure.

25 Q. So this was correspondence from the
26 Minister. Was this implemented?

27 A. No, not to my knowledge. We have
28 given to the Royal Commission a number of statistics
29 which give the name of the pilots and I don't think the
30 civil servants have taken into account the 30 days of



1 French

2 leave granted to the pilots.

3 Q. Now, do you remember that after the
4 13th of April, 1962 a problem with the representatives
5 of the Ministry?

6 A. No, I don't remember this.

7 Q. The second item, establishment of
8 a Royal Commission, on this the Minister has acted.
9 The third item, you undertake not to ask any tariff
10 revisions for a period of three years. Then there are
11 a number of special items. The first one relates to
12 the Kingston District. Could you read the first of the
13 special items?

14 A. We will take the necessary measures
15 in order that the pilots of this District will not have
16 to do any pilotage on the Lake of Ontario.

17 Q. Do you know if the pilots of the
18 Kingston District have to travel on Lake Ontario?

19 A. I think so. I was told so.

20 Q. The second item, there are some
21 modifications in the tariff base which is now based
22 on the journeys and not on the days made. Then there
23 is an item on the Cornwall District.

24 A. The Department will establish a
25 plan of apprenticeship for new pilots and this plan
26 will be implemented in 1963.

27 Q. Could you tell us if the plan for
28 apprenticeship in Cornwall is implemented?

29 A. No, there is no such plan implemented
30 in Cornwall District.



1 French

2 Q. Would you know from the Cornwall
3 pilots, did they ever tell you these plans would still
4 be amended?

5 A. They are still under study but I
6 don't know if it will be amended soon.

7 THE CHAIRMAN: Are you going to change
8 the subject?

9 MR. LALONDE: Yes.

10 THE CHAIRMAN: We will have a short recess.

11
12 ---A SHORT RECESS.

13
14 ---FOLLOWING THE SHORT RECESS:

15
16 MR. LALONDE: Q. Concerning the last
17 letter I showed you signed by Mr. Balcer and dated
18 April 13th 1962, I notice that the last paragraph of
19 the letter reads as follows:

20 "The tariff modifications will be
21 "effective April 15th, 1962".

22 Can you tell the Commission if one of the
23 tariff revisions mentioned was in force on or before
24 April 15th, 1962?

25 A. I don't think that any of the
26 tariff changes took place before or on April 15th. I
27 don't have the date of the Orders-in-Council, but
28 this could be checked easily.

29 Q. So I suppose, Mr. Bedard, that after
30 April 13th nothing more occurred within the Federation



1 French

2 of St. Lawrence Pilots?

3 A. Yes, many things took place of an
4 administrative nature, but nothing that might interest
5 the Commission.

6 Q. You mentioned in your evidence that
7 this stoppage of work in the beginning of April, 1962
8 had practically taken you by surprise because there
9 had been no great lengthy discussions about that
10 previously. Could you please tell me if during its
11 history the Federation of St. Lawrence Pilots ever
12 constituted what could be called directly or indirectly
13 a strike fund?

14 A. To answer the first part of your
15 question, when you say the Federation was taken by
16 surprise and there had been no discussions on that
17 matter -- you don't mean discussions with the Shipowners
18 or the D.O.T. concerning winter negotiations, but you
19 mean strictly concerning the stoppage of work of
20 pilots?

21 Q. The only thing I wanted to mention,
22 was number, before the beginning of April, 1962 had
23 any decision of whatsoever type been taken
24 concerning the stoppage of work that had been taken
25 by the Federation?

26 A. No.

27 Q. My question is the following -- during
28 its history did the Federation ever since its
29 establishment, did the Federation ever constitute a
30 strike fund?



1 French

2 A. No mention was ever made of it.

3 MR. LALONDE: Your lordship I would like
4 to file in a bundle, a series of documents concerning
5 the work stoppage of April, 1962 as well as the
6 winter negotiations. I would like to file this
7 document as Exhibit 761 which could be entitled
8 Correspondence between the Federation of the St. Lawrence
9 Pilots and the D.O.T. regarding the winter negotiations
10 and the work stoppage of 1962. Thank you, Mr. Bedard.

11
12 ---EXHIBIT NO. 761: Correspondence between the
13 Federation of the St.
14 Lawrence Pilots and the
15 D.O.T. regarding the winter
16 negotiations and the
17 work stoppage of 1962.

ish 17 MR. LALONDE: My lord, I may state for the
18 record I have consulted my colleagues and they have
19 agreed that for the time being the general recommend-
20 ations contained in the brief of the Federation to
21 this Commission will not be discussed now but at a
22 later date, and for that purpose I intend to recall
23 Mr. Bedard at a later date once he has got before
24 this Commission as many relative facts as there are
25 in this problem.

26 THE CHAIRMAN: All right.

27
28 CROSS-EXAMINATION BY MR. MAHONEY:

29
30 Q. Mr. Bedard, the questions which Mr.



1 English

2 Lalonde has asked you have related mostly to the
3 activities of the Federation commencing with the
4 discussions held between the Shipowners, the Depart-
5 ment and the pilots in the winter of 1962 and the
6 events subsequent to that. Now, these winter meetings
7 started before 1962, is that not right?

8 A. Yes.

9 Q. Could you tell the Commission when
10 the first of these winter meetings was held?

11 A. The ones that I am aware of personally
12 was 1960. There might have been some before, but it
13 was before I was on to the administration side of it,
14 either the Corporation or the Federation and I don't
15 know about that.

16 Q. You are aware that there was a change
17 of the, shall we say, the way of negotiation between
18 the various groups at the time you first came into the
19 picture in 1960?

20 A. Yes.

21 Q. You are aware that this was the first
22 year?

23 A. I wasn't aware it was the first year.
24 I know before there was some meetings between the
25 pilots and shipping officials at Montreal ~~but~~ if
26 representatives of the various groups of Shipowners
27 were there or the D.O.T. was there I am not aware of
28 the consensus that was held then.

29 Q. Do you recall in 1960 any discussions
30 with the Department of Transport as to the setting up



1 English

2 of a new system by which all negotiations between
3 Shipowners, the Department of Transport and pilots
4 would take place during meetings which would be held
5 in the winter and scheduled by the Department?

6 A. Maybe not exactly in the words you
7 are putting it. I recall very well that the first
8 meeting we had where Mr. Booth came in to open the
9 meeting. I don't recall whether it was a new setup
10 or not, but he explained the setup to us.

11 Q. I was trying to sort of tie down
12 where you came into the picture because to the best
13 of my knowledge . . .

14 A. January, 1960.

15 Q. That was the first meeting held.
16 In the meeting that was held in 1960 the Federation
17 was an active participant; is that correct?

18 A. No.

19 Q. The Federation wasn't formed at the
20 time?

21 A. The Federation but formed, but I
22 went there as a member of the Board for the Corporation
23 of Lower St. Lawrence River Pilots and we went there
24 as such. There was no one from the Federation at that
25 time, nobody at that meeting.

26 Q. But the Federation existed at that
27 time?

28 A. It did exist, yes.

29 Q. As a central organization?

30 A. What do you mean by central organization,



1 English

2 sir?

3 Q. As an organization to which the
4 various individual Corporations of pilots belonged?

5 A. In those words, yes.

6 Q. Do you recall the negotiations that
7 went on during the 1960 meeting?

8 A. Yes, I do.

9 Q. You said, I think, in reply to
10 a general question from my friend, Mr. Lalonde, that
11 at the winter meetings the various Corporation had put
12 forward proposals to the Department and to the
13 Shipowners concerning such things as tariff increases
14 and aids to navigation?

15 A. That is correct.

16 Q. Now, you used the words "aids to
17 navigation"?

18 A. Yes, I did, I believe.

19 Q. Could you tell me in the winter
20 meetings which you attended, which I can assure you
21 were the only such winter meetings in the framework
22 that I am speaking of, what recommendations were
23 put forward concerning aids to navigation?

24 A. I would have to check the record
25 on this, the proposals that were submitted then.

26 Q. Can you think of any such recommend-
27 ations?

28 A. Specific recommendations for one
29 such item, no, I can't.

30 Q. Can you think generally of any such



1 English

2 recommendations?

3 A. I can't, sir.

4 Q. Isn't it true that from the point of
5 view of what was put forward by the pilots at these
6 various meetings when they were held that the only
7 thing discussed were questions of increases for pilots
8 and what may be referred to as working conditions?

9 A. No, Mr. Mahoney. I recall now that
10 we brought up the question of communications between
11 ships and shore at various times at those meetings,
12 the communication by radio and so on.

13 Q. At the winter meetings held between
14 the Shipping Federation, Dominion Marine Association,
15 the Department of Transport and the pilots?

16 A. I can check the record for that,
17 but I am pretty sure we did, and there may be other
18 instances. I will go along your way, Mr. Mahoney, and
19 say that the main part of the time was taken by
20 discussion of tariffs and so on.

21 Q. When you say that the Shipowners
22 took a negative attitude towards discussions of the
23 tariff do you mean that the Shipowners were unwilling
24 to consider increases for pilots or do you mean that
25 the Shipowners felt that the tariffs were a matter to
26 be determined by the Department of Transport and not
27 by either the pilots or the shipowners?

28 A. I mean that the shipping representatives
29 wouldn't discuss tariffs with pilots, and they led
30 us to believe that they would discuss revenues of the



1 English

2 pilots if these people accepted a set income and to
3 work to get this set income.

4 Q. But in actual fact there were several
5 discussions concerning the income of pilots, were there
6 not?

7 A. Not in 1962.

8 Q. No, I am going back earlier than
9 1962. What about 1961, 1960?

10 A. In 1960 there was some discussions,
11 yes, but they were refusals. In 1961 the shipping
12 representatives weren't there so we couldn't discuss
13 it with them.

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R/RPS¹ English

Q. And in 1960 what was the result of those discussions?

A. In 1960, still talking for the Corporation where I was administrator at the time, the discussions were mainly around an adjustment in tariff for the District of Quebec to compensate for the \$65,000 money that was received for bonuses to be set up in tariff so that when the system was changed from special pilots to Class A,B and C pilots, the pilots in that Corporation would not lose any money and at that time the tariff was calculated with the officials of the Department of Transport.

Q. I did not catch that?

A. At that time the officials of the Department of Transport and pilots calculated how the tariff would be adjusted to include the \$65,000. It was calculated in fractions of cents per ton, and so on, and we were led to believe by letter of the Deputy Minister that the tariff would be adjusted to suit, but just before navigation opened we were advised otherwise and the increase did not come into effect in the amount of \$65,000.

Q. You said you were led to believe by the Minister that the tariff would be adjusted so as to include an increase of \$65,000?

A. To compensate for the amount that was lost for bonuses, yes.

Q. Now how were you led to believe?

A. By letter.



1 English

2 Q. By letter?

3 A. Yes.

4 Q. Were you aware that at the time of
5 those meetings that objections were made by the
6 Shipowners to any such increase?

7 A. I don't know. The Shipowners always
8 object to any increase or adjustment in tariff, so
9 probably they were.

10 Q. Let's get at it by another direction
11 Mr. Bedard. Prior to the opening of the St. Lawrence
12 Seaway the special pilots were all used by ocean-going
13 ships. Isn't that right?

14 A. No, not always ocean-going ships.
15 Some were used by coastal vessels as well.
16 Special pilots in small coasting tankers.

17 Q. When you say coasting vessels, you
18 mean ships like Clark Steamship, that sort of thing?

19 A. No. I mean ships like Imperial
20 Oil tankers, and so on.

21 Q. But the main class of lake ships
22 did not use special pilots did they?

23 A. No, not to my knowledge.

24 Q. And following the opening of the
25 St. Lawrence Seaway, when the large upper lakes ships
26 went below Montreal, they also did not use special
27 pilots did they?

28 A. They did not.

29 Q. Between the opening of the St.
30 Lawrence Seaway in 1958 and the discussions which were



1 English

2 held in 1960, it was determined by the various interests
3 involved that the special pilotage provisions should be
4 done away with. Isn't that correct?

5 A. Would you repeat the question?

6 Q. Between the opening of the Seaway
7 and the discussions held in 1960, various interests,
8 pilots among them, concluded that special piloting
9 systems should be done away with?

10 A. Yes.

11 Q. And it was on the basis of doing away
12 with that system that the \$65,000 increase was to be
13 granted?

14 A. Adjustment in tariff, yes.

15 Q. Now as I say the large upper lake
16 ships did not use special pilots?

17 A. No.

18 Q. And do you not recall the Dominion
19 Marine Association objecting to the payment of this
20 \$65,000 on the basis that by adding it as a general
21 increase in the tariff, they would be subsidizing a
22 system for which they had never had any use and had
23 no use at that time?

24 A. Yes. I remember that they protested
25 against this adjustment in tariff.

26 Q. Would you not assume that it was
27 on the basis of that objection that the Department of
28 Transport refused to allow the increase of the \$65,000?

29 A. I cannot assume sir because I wasn't
30 there.



1 English

2 Q. But you know that, in any event,
3 objection was made?

4 A. It was made. The objection was
5 made, I believe, at the joint meeting, yes.

6 Q. Now you said, I think, a few moments
7 ago there were no meetings held in 1961. Surely that
8 is not so is it?

9 A. In 1961, a joint meeting with the
10 representatives of the Shipping Federation and Dominion
11 Marine and the Department of Transport altogether?

12 Q. Yes?

13 A. They were scheduled for January 6th,
14 January 3rd 1961 and there was no representative of
15 the Shipowners at that meeting. We were alone with the
16 D.O.T. officials.

17 Q. But meetings were held?

18 A. Including all these parties involved?

19 Q. Yes?

20 A. Not to my knowledge.

21 Q. But in any event the Corporations of
22 Pilots followed the same procedure that they had in
23 1960 in presenting their demands to the Shipowners
24 through the Department of Transport?

25 A. Yes. They sent their demands to the
26 Department of Transport.

27 Q. Was that not the year, I can be
28 wrong because it is not too fresh in my mind, is that
29 not the year that the question of winter navigation
30 first came up?



1 English

2 A. No. That first came up in 1960.

3 Q. It was not discussed again in 1961?

4 A. Yes, it must have been discussed
5 again in 1961.

6 Q. Wasn't it in 1961 that a decision
7 was arrived at as to how winter navigation would work?

8 A. October 1961, yes.

9 Q. And wasn't that a decision which
10 was worked out, with some slight difference of opinion,
11 between the pilots and the Shipping Federation and the
12 Department of Transport and the Dominion Marine?

13 A. Yes. It was not a unanimous
14 decision. Everybody did not agree on all the points
15 for this formula.

16 Q. But the disagreements were not major
17 were they?

18 A. Pardon?

19 Q. The disagreements were not major
20 in those discussions.

21 A. The disagreements were not made?

22 Q. Were not major. They were of a very
23 minor nature were they not?

24 A. On winter tariff?

25 Q. Yes?

26 A. Winter negotiations as it was set up
27 afterwards?

28 Q. Yes?

29 A. It all depends on what point of view
30 you are standing.



1 English

2 MR. LALONDE: Is my friend referring to the
3 meetings in January 1961 where winter tariffs would have
4 been set? I am not quite clear.

5 MR. MAHONEY: As I said, I am not certain
6 of the date. Without disclosing my ignorance of it,
7 I have been trying to pin it down.

8 MR. LALONDE: I think some exhibits have
9 been produced, a lot of exhibits have been produced,
10 about the agreement and I think you saw a copy of it
11 my friend, October 1960 where this question of winter
12 negotiations was discussed.

13 MR. MAHONEY: Your witness and I, I think,
14 have agreed that the discussion was opened at that
15 time and was settled the next year.

16 Q. Isn't that your recollection Mr.
17 Bedard?

18 A. My recollection it was first set up,
19 the Federation first sent a memorandum in January 1960
20 in wintertime.

21 Q. But was an agreement reached at that
22 same time or was an agreement reached in the fall of
23 1960 or the winter of 1961, can you recall?

24 A. ^u* In the fall of 1961.

25 Q. The fall of 1961 or the fall of
26 1960?

27 A. 1961. 1960, I am sorry.

28 Q. Wasn't the only real disagreement
29 involved there the question of the date when winter
30 navigation should be considered to start?



1 English

2 A. The only disagreement was the question
3 as to the date? No, it was not the only disagreement.

4 Q. Not the only one but the only major
5 disagreement.

6 A. Well there was one disagreement.

7 Q. In any event Mr. Bedard the subject
8 was first raised in January of 1960 and was settled
9 to the satisfaction of all the parties concerned before
10 the next winter navigation season. Am I right?

11 A. I am glad to hear you say that.

12 Q. To the best of my recollection we
13 were supporting the pilots on that particular occasion.
14 But it was satisfactorily disposed of in that time?

15 A. It was, yes, in the fall of 1960. I
16 am sorry, I was mistaken in my dates. It was the fall
17 of 1960.

18 Q. Now then having had some sort of
19 agreement in the fall of 1960, I think you said that
20 January of 1961 the meeting which the Department was
21 trying to arrange between all of the interested parties
22 was not so successful? The parties did not get
23 together immediately?

24 A. That is correct.

25 Q. I think you said that the pilots
26 met with the Department separately in January of 1961?

27 A. Yes. We were told by letter from
28 Captain Jones, I believe, that the Government was
29 trying to arrange meetings between pilots and ship
30 representatives for that date, and that the Minister



1 English

2 had expressed the desire to open those meetings.

3 Q. And in fact the meeting ---

4 A. --- was held but the Minister was
5 not there nor were the shipping representatives.

6 Q. And so meetings that year were held
7 separately? That is, the pilots met with the Department
8 and the Shipowners met with the Department?

9 A. Well we met with the Department. I
10 don't know what the shipping representatives did. We
11 don't get minutes from meetings between the Department
12 of Transport and shipping representatives.

13 Q. No, and you don't supply minutes
14 of the meetings between yourselves and the Department,
15 do you?

16 A. The Department does. We don't have
17 to do it.

18 Q. I have yet to get them.
19 What, in general, were the pilots' demands that winter?

20 A. In 1961?

21 Q. Yes?

22 A. I cannot recall sir.

23 Q. But they did involve increase in the
24 tariff did they not?

25 A. I truly cannot recall. I will have
26 to refresh my memory in some specific instance.

27 Q. I think your knowledge of pilotage
28 is a little bit better than that. I cannot recall what
29 the exact demands were, but I am certain in my mind
30 that there were increases in the tariff asked for in that



1 English

2 year. Now would you disagree with that?

3 A. I would have to look at the record.
4 I cannot say. We certainly can bring out what the
5 demands were and you can see then.

EE2 6 Q. Was there a work stoppage in the
7 spring of 1961?

8 A. No.

9 Q. Was there a threat of a work stoppage?

10 A. No, not to my knowledge.

11 Q. Were there any increases in the
12 tariff?

13 A. No, I don't believe so.

14 Q. In the spring of 1961?

15 A. I don't believe so. There may have
16 been one in Cornwall but I would have to check. I
17 don't believe so.

18 Q. You referred to a letter which the
19 Minister wrote to you, I think the date was April 13th?

20 A. What year sir?

21 Q. 1962. This was during the work
22 stoppage of that year. Do you recall that? Where Mr.
23 Balcer in a letter to Mr. Lalonde set out the
24 proposals which he was making in order to end the work
25 stoppage. Do you recall that letter?

26 A. Yes.

27 Q. Now as part of that work stoppage
28 wasn't there an understanding that pilots would not ask
29 for increases in the tariff for a period of three years?

30 A. Yes, with one exception, with one



1 English

2 reserve, if you like.

3 Q. And wasn't it also an understanding,
4 although I notice it is not set out as such in that
5 particular letter, among all the parties concerned
6 that because there could be no demand for increase in
7 the tariff during that period, there would be no
8 work stoppage during that period?

9 A. Yes, I believe so.

10 Q. Isn't it a fact that the pilots
11 have threatened work stoppages since then?

12 A. Since then? Not a fact to my knowledge.

13 Q. You say there have been no such
14 threats since that time?

15 A. Since April 1960?

16 Q. April 1962.

17 A. There was a threat by some organiz-
18 ation of pilots or individual pilots?

19 Q. You said there was?

20 A. Was there? By whom? Who do you
21 mean might have threatened to stop work? One individual?
22 A Corporation? The Federation?

23 Q. I am asking you Mr. Bedard if there
24 was any stoppage of work or threatened stoppage of work
25 by the pilots with the knowledge of the Federation since
26 that time?

27 A. No.

28 Q. Now in March of 1962 the most
29 controversial question between the pilots' and the
30 Department of Transport was the question of the four and



1 English

2 a half per cent which the Department proposed to withdraw
3 from the pilots' revenue. Isn't that correct?

4 A. That is correct.

5 Q. Do you know where that proposal
6 arose?

7 A. We were told it arose from the
8 Treasury Board.

9 Q. Do you know of your own knowledge
10 what the reaction of the shipping companies was to that
11 proposal?

12 A. No. At that time I did not know,

13 Q. Do you know now?

14 A. Well some counsellors for these
15 representations have said it was not a proper thing
16 to suggest; that it is nothing official.

17 Q. If I told you that the shipping
18 companies were perhaps as opposed to that proposal as
19 the pilots, would you be surprised?

20 A. No. I would have liked to know it
21 in the proper time though if such was their attitude.

22 Q. Did you ever ask the shipping
23 companies what their attitude was?

24 A. No.

25 Q. But this was the main reason for
26 the work stoppage wasn't it?

27 A. Yes.

28 Q. It was the shipping companies who
29 were affected by that work stoppage wasn't it?

30 A. Consequently, yes.



1 English

2 Q. And the pilots made no effort to
3 find out what the attitude of the shipping companies
4 was?

5 A. No, although today if you consider
6 the brief of the Shipping Federation, you will see that
7 in the same District as these percentage of revenues
8 was supposed to be taken, to be effected to the
9 administration of pilotage, the letter from Mr. Colley,
10 March of 1962 I believe ---

11 Q. Perhaps I should amend what I
12 suggested to you earlier then and say instead of
13 shipping companies say lake shipping companies.

14 A. All right, because I can finish
15 what I started there. That letter says that the
16 pilots' earnings are away too high and increasing
17 all the time in those Districts. It looks like a
18 coincidence.

19 Q. In the early part of April 1962
20 when the work stoppage was called the St. Lawrence
21 Seaway was not open was it?

22 A. No sir.

23 Q. So that the work stoppage did not
24 affect any lake ships?

25 A. Well not to my knowledge if it did,
26 it must have been very few.

27 Q. I think you said that of the five
28 Corporations within the Federation, two Corporations
29 west of Montreal were not affected?

30 A. Well they could not be affected



1 English

2 because the Seaway was not open.

3 Q. And the only lake ships, presumably,
4 that could be affected would be lake ships which had
5 wintered east of Montreal?

6 A. That is correct, yes.

7 Q. I take it you won't disagree with
8 me if I tell you that there were no lake ships affected
9 by that strike?

10 A. I may be inclined to believe it sir,
11 yes.

12 Q. Now why was that date chosen Mr.
13 Bedard?

14 A. There was no reason for a specific
15 date. We were supposed to have discussions and meetings,
16 and so on and after a certain time ~~was~~ no reply,
17 so it was decided by some Corporation members they
18 would stop work and see if the Federation would go
19 along the same line. We decided yes.

20 Q. Now the reason for this work stoppage,
21 like any work stoppage, was to apply pressure to get
22 what the pilots wanted. That is right isn't it?

23 A. Yes.

24 Q. If any group, whether it is a union
25 or Federation of Pilots are going to apply pressure,
26 as a general rule, and I do not want to be argumentative,
27 I think you will agree they will apply as much pressure
28 as they can. Isn't that right?

29 A. Yes.

30 Q. The first part of April the navigation



1 English

2 season is hardly opened?

3 A. That is correct.

4 Q. So that the effect of the work stoppage
5 would not be as great as later, isn't that right?

6 A. That is correct. Fewer ships involved.

7 Q. Isn't the reason, or wasn't the
8 reason for that that only the ocean ships would be
9 involved?

10 A. Yes, only ocean ships were involved
11 because of the early season.

12 Q. And wasn't that date chosen because
13 only ocean ships would be involved?

14 A. No. The date was chosen because the
15 navigation was going to open up and we wanted to have
16 some settlement before the active navigation season and
17 so fewer ships being involved, the strain on the
18 economy would not be so tremendous but, nevertheless,
19 the pressure of the pilots would be just as good.

20 Q. But it would have been better if
21 there had been more ships involved?

22 A. Not necessarily, no.

23 Q. Have you ever been involved, Mr.
24 Bedard, in a work stoppage of pilots other than the
25 one in 1962?

26 A. No.

27 Q. There have been other work stoppages
28 have there not?

29 A. Not in the District where I work.

30 Q. If I were to put it to you ---



1 English

2 MR. LALONDE: For the record, my lord,
3 it may be worthwhile to mention that there was some
4 work stoppage in the '30's, around 1934 or 1935.

5 THE WITNESS: That is away before my
6 time.

7 MR. LALONDE: In Pilot Pouliot's testimony.

8 MR. LANGLOIS: In the early '30's.

9 Q. There have been work stoppages later
10 than the early '30's, isn't that right Mr. Bedard,
11 in spite of what my friend said?

12 A. In what District do you mean?

13 Q. In the Montreal District. I have
14 forgotten now whether the Quebec District was involved.
15 In the Montreal District and the Kingston District?

16 A. I believe so, yes..

17 Q. In those work stoppages do you know
18 whether lake ships were affected?

19 A. I cannot answer by a straight yes
20 or no. It was in the summertime. I imagine lake
21 ships were affected, yes, but I can't ----

22 Q. Have you ever been involved in this
23 situation, in your capacity as an administrator of
24 the Pilotage, where a work stoppage was threatened?

25 A. Yes.

26 Q. Can you tell me, if you know, the
27 attitude of the lake shipowners to that threat?

28 A. No, I don't.

29 Q. In the work stoppages which have
30 existed, I put it to you that lake ships have not been



1 English

2 the slightest bit affected. Will you agree or disagree
3 with that?

4 A. I wouldn't agree, nor disagree, sir.
5 I wasn't there at the time. I don't know.

6 Q. You don't know?

7 A. You have to be there to see what
8 happens.

9 Q. If I were to tell you that the
10 attitude of the lake shipowners to a threatened strike
11 was to tell the pilots to go ahead and strike, would
12 you disagree?
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/RPS 1 English

2 A. Would I disagree with what?

3 Q. Would you disagree with what I am
4 telling you, that the attitude of the lake shipowners
5 to a threatened strike of pilots has always been,
6 in the colloquial term, that they couldn't care less?

7 A. I don't know what their attitude
8 is. You are telling me. I don't know.

9 Q. If I say on your general knowledge
10 of pilotage, would you agree or disagree?

11 MR. LALONDE: The witness says in this
12 regard he doesn't know what the attitude of the lake
13 shipowners are. If my friend wants to call Mr. Leach
14 and Mr. Misener and so on and so on, and Mr. Banks,
15 whoever is --

16 MR. MAHONEY: I am suggesting this witness
17 has been involved in piloting for a good few years
18 now. He is President of the Federation of Pilots.
19 He has a great deal of experience in these matters and
20 I am asking him whether he knows about this situation.
21 I am really sure he could tell us if he wanted.

22 MR. LALONDE: I object strongly to that
23 insinuation. The witness says he doesn't know. I
24 have had the opportunity of discussing it with my
25 friend very frequently and I must tell you I don't
26 even know what the attitude of the lake shipowners are
27 or would be in the threat of a strike. I don't know.

28 THE CHAIRMAN: The witness will answer
29 that.

30 MR. LALONDE: He has.



English

MR. JACQUES: Would you read back the question?

THE REPORTER: "Would you disagree with what I am telling you, that the attitude of the lake shipowners to a threatened strike of pilots has always been, in the colloquial term, that they couldn't care less?"

Answer: I don't know what their attitude is. You are telling me. I don't know."

THE WITNESS: My answer is still I don't know what their attitude is.

MR. MAHONEY: I have no further questions.

THE CHAIRMAN: No further questions. I assume Mr. Brisset is going to have quite a few questions?

MR. BRISSET: Yes, my lord.

THE CHAIRMAN: So we will adjourn now to tomorrow at ten o'clock as usual.

---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,
TUESDAY, THE 8th DAY OF OCTOBER,
1963.

* * * * *

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

MONTREAL

P. Q:

VOLUME No.:

75

DATE:

OCT 8 1963

OFFICIAL REPORTERS

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Old Courthouse
Building, Montreal Quebec
on Tuesday, the 28th day of
October, 1963.

C O M M I S S I O N :

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith	Member
Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

P R E S E N T :

Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. J. Brisset, Q.C.	for the Shipping Feder- ation of Canada
Mr. J. Mahoney	for the Dominion Marine Association
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; the Corporation of the Mid-St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of the Upper St. Lawrence Pilots.

* * * * *



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* * * * *



Montreal, Quebec 9158
Tuesday,
October 8th, 1963

3/RPS 1

2 ---ON COMMENCING AT 10:00 A.M.

3
4 THE CHAIRMAN: Gentlemen, to sum up the
5 conversation we have just had with counsel the
6 Longshoremen's strike gives rise to certain incon-
7 veniences and the representatives of the Shipping
8 Federation must be constantly, or remain constantly
9 at their office or attend the meetings concerning
10 the strike that affected them personally and consequent-
11 ly they can't be in attendance here at all times
12 and their time after these sittings is completely
13 taken with this whole matter of the strike.

14 This morning I was requested that under
15 the present circumstances to adjourn the Montreal
16 sittings to another date for administrative reasons
17 in the first place, and also because of the incon-
18 venience to them and everyone, because you are all
19 present here, and of course, then we must do everything
20 in our power to finish our work. I have discussed
21 a possible solution which would be for us to proceed
22 with the examination of witnesses and cross-examination
23 of those who can be cross-examined by such as counsel
24 for the Commission and Mr. Mahoney. Insofar as
25 Mr. Brisset is concerned he could be, he would still
26 have the right to resume his cross-examination at a
27 later date in order to accomplish as much work as
28 possible at the present time. Certain of his clients
29 weren't here and consequently don't have time to
30 consult with him so as soon as the transcription of the



1
2 notes will be done he will be able to consult his
3 clients and if he still has a few questions to ask
4 the witness will be called back. Those are incon-
5 veniences on all sides but I think this is the
6 solution that is best at the present time and it
7 will still allow us to proceed on with our work this
8 week. If there are no objections we will proceed
9 that way and all parties concerned will have every
10 possibility of presenting their evidence so as there
11 may be the least inconvenience possible to all parties
12 concerned.

13 MR. LALONDE: My lord, I understand very
14 well the position that you have indicated and we are
15 practically ready to co-operate with it, and to present
16 Captain Rousseau at the witness stand, but perhaps
17 on the other hand we could have finished the evidence
18 of Mr. Bedard because if we go on like that eventually
19 Mr. Bedard's evidence will be sort of
20 broken down in twenty different parts. If this causes
21 an inconvenience to my colleague I am ready to let
22 Mr. Rousseau go to the witness stand, otherwise Mr.
23 Bedard will go on.

24 THE CHAIRMAN: I think we could go on with
25 Mr. Bedard's evidence.

26 MR. JACQUES: I am going to do part this
27 morning, that is part of my cross-examination this
28 morning, but there are certain exhibits I haven't
29 consulted because certain of the exhibits were trans-
30 mitted to Mr. Brisset because he was supposed to cross-



1 French

2 examine before I did.

3 MR. LALONDE: Mr. Brisset told me he would
4 have a few questions to ask Mr. Bedard this morning
5 and consequently would be ready to proceed. I think
6 it would be better for Mr. Brisset to end his cross-
7 examination this morning and if my colleague, Mr.
8 Brisset, wants Mr. Rousseau to give evidence of be
9 examined well, we can proceed with Mr. Rousseau after
10 he is through asking questions of Mr. Bedard.

11
12 ANDRE BEDARD, Re-sworn

13
14 CROSS-EXAMINATION BY MR. BRISSET:

15
16 Q. Mr. Bedard you were an apprentice
17 from March 3rd, 1953 until March 3rd, 1958?

18 A. That is right.

19 Q. You were under the old system?

20 A. Yes.

21 Q. Have you followed the course at the
22 Merchant Marine School at Rimouski before becoming an
23 apprentice pilot?

24 A. No.

25 Q. During your apprenticeship time
26 a pilot was required 40 trips per season?

27 A. Yes.

28 Q. During the five years that you were
29 an apprentice did you accomplish more than the
30 acquired number of trips according to the By-Laws?



1 French

2 A. Yes.

3 Q. What was the average amount, number
4 of trips that you performed every year?

5 A. Well, according to my memory I would
6 say approximately 60.

7 Q. During your apprenticeship did you
8 do any other type of work in order to earn your living
9 and face your obligations?

10 A. Yes.

11 Q. I understand that you did six
12 weeks at sea?

13 A. That is correct.

14 Q. What other type of work have you
15 performed?

16 A. Well, I had a little business in
17 vending machines.

18 Q. Did your experience during your own
19 apprenticeship lead you to see or pinpoint certain
20 drawbacks existing in this system at that time?

21 A. Yes, I did. I noticed a few
22 drawbacks.

23 Q. More particularly did the experience
24 you had show you that the apprenticeship period was
25 too long, this five years with 40 trips per year?

26 A. Yes, this was my personal opinion
27 and I would still have it today, because a five-year
28 apprenticeship is still a long period for somebody
29 who would under the new system as it exists today
30 have a more solid foundation before starting his



1 French

2 apprenticeship.

3 Q. In other words during these five
4 years apprenticeship in attending 40 trips per season
5 the apprentice pilot didn't acquire truly the important
6 experience, distributed as it was over a period of
7 five years?

8 A. Well, I would say that every trip
9 attended by an apprentice pilot is a little experience
10 to the apprentice pilot but I wouldn't say the
11 necessity of distributing them over such an extended
12 period. Perhaps the whole thing could be concentrated.

13 Q. And perhaps obtain a better result
14 for a shorter period?

15 A. Basic training that would be sounder
16 and more serious training, well, perhaps could be
17 the result because they would be a pilot after three
18 years instead of five years and in the first year they
19 are far more interested and according to the new
20 system examinations have to be passed and during the
21 winter season the candidates are more anxious to learn
22 because five years is long.

23 Q. Are you aware that the Shipping
24 Federation in 1957 and 1958 had made the same suggestion
25 concerning the duration of apprenticeship?

26 A. No, I wasn't aware of that.

27 Q. Who was President of the Association
28 when you become a pilot in March, 1958?

29 A. Roland Barras.

30 Q. During your apprenticeship period



1 French

2 were you ever closely interested in the organization which
3 was called the Association of Licensed Pilots for
4 Quebec Harbour and Below?

5 A. No.

6 Q. When did you start being interested
7 in the organization of the Association and later on
8 of the Corporation?

9 A. A. I could say the last year of apprentice-
10 ship while I was travelling constantly with pilots
11 well, I had an opportunity of discussing the
12 Association and the different types of representations
13 that pilots had at their disposal and when I obtained
14 my licence, well, I asked the Secretary-Treasurer of
15 the Corporation at that time to get the By-Laws and
16 obtain financial statements of the preceding years
17 so I could say that since I was licensed I became
18 greatly interested in the Association of Licensed
19 Pilots for Quebec Harbour and Below.

20 Q. When did you start being interested
21 in the Federation of the St. Lawrence Pilots?

22 A. I think that was -- when I became
23 a pilot mention was made of establishing the Federation
24 but I was interested in it, but passively. Actively
25 speaking in January, 1960 I became an administrator
26 of the Pilots' Association.

27 Q. Before becoming an administrator
28 of the Federation in 1960 you told us that you had
29 already started getting interested in the organization,
30 but I didn't understand exactly at what time, during



1 French

2 your first year as a pilot or in 1959?

3 A. In 1959 when mention was made of
4 establishing this Federation.

5 Q. What is the first position you have
6 held within the Federation of the St. Lawrence Pilots?

7 A. Well, as administrator.

8 Q. At the annual meeting of the year
9 1960 you were elected administrator?

10 A. Before the annual meeting of the
11 Federation in 1960 I was appointed administrator
12 in order to replace Mr. Latulippe who had resigned
13 from that office and two months later I was elected
14 at the annual meeting of 1960.

15 Q. Was your election as administrator
16 of the Federation in 1960, your election contested?
17 Was there any candidate against you?

18 A. No, the delegate members in Quebec
19 met and Mr. Rousseau and myself were suggested as
20 administrators of the Association, and the decision
21 was unanimous.

22 Q. In other words the nomination by
23 the member delegates?

24 A. Yes.

25 Q. When were you elected President of
26 the Federation?

27 A. I was elected President of the
28 Federation at the general meeting of 1962, the winter
29 of 1962.

30 Q. Was there another candidate?



1 French

2 A. No.

3 Q. Your nomination was offered or made
4 by whom?

5 A. Well, I will consult the minutes
6 because I can't recall offhand. My name was moved by
7 Mr. Paul Tremblay and seconded by Jean Guy Chartier
8 and that was on March 16th, 1962.

9 Q. Mr. Jean Guy Chartier was President
10 of the Corporation of the Kingston Pilots, wasn't he?

11 A. Yes, I think he still is.

12 Q. Now, let us get back to the Corporation
13 which was established within the Quebec District.

14 A. Excuse me, Mr. Brisset, he was
15 President of the Corporation of the St. Lawrence River
16 and Ottawa Pilots because the District had been
17 subdivided from Montreal to Kingston, Montreal
18 and Cornwall, Kingston, that is correct.

19 Q. Let us get back to the Corporation.
20 of your District. You told us that you had been
21 elected President or Chairman of the Committee of the
22 Association entrusted with the preparation and
23 revision of the constitution of By-Laws of the
24 Association.

25 A. Yes, I was appointed the Chairman
26 of the Committee by the Board of Directors.

27 Q. At that time were you filling an
28 office within the Corporation?

29 A. Yes, I was an administrator of the
30 Corporation.



1 French

2 Q. In other words you held an official
3 post within the Federation and I am sure you were
4 already aware of the types of organizations existing
5 within other Districts?

6 A. Yes.

7 Q. At that time the Corporation of
8 St. Lawrence River and Ottawa Pilots had already been
9 established and the Corporation of Mid-St. Lawrence
10 Pilots had already been established and the Corporation
11 of Montreal Harbour had already been established?

12 A. That is correct.

13 Q. Did the By-Laws and constitutions
14 of these Corporations -- were the By-Laws and constitut-
15 ions of these Corporation used as a basis to prepare
16 the constitution and By-Laws of the Corporation of the
17 Quebec District Pilots?

18 A. The Committee studied the revision
19 of the By-Laws of the Association as they existed and
20 we had a whole series of amendments or new By-Laws
21 we were proposing and this was quite voluminous when
22 we submitted them to the legal adviser. At that time
23 we had lengthy discussions concerning the possibilities
24 of changing the Association and making the Corporation
25 by using the revision of the general meeting and so
26 we agreed to change the type of Association, to change
27 it into a Corporation and the legal adviser based
28 himself upon the already existing Corporations. I
29 didn't consult the types of other Corporations. This
30 was upon the advice of the legal adviser who had quite



1 French

2 a lot of experience in that field.

3 Q. In the course of your study of a
4 constitution proposed for the Quebec Corporation was
5 there not a problem raised regarding the proxies
6 that should have been obtained by the pilots in order
7 to transfer their earnings to the Corporation and
8 the case of the Association or abolition of the
9 Association at that time?

10 A. No, there was no mention made of
11 that.

12 Q. Were you aware of this problem of
13 proxies in Kingston when it was established in 1957,
14 1958?

15 A. No, I wasn't aware of that at the
16 time.

17 Q. When were you familiar with that?

18 A. Recently, ever since the inception
19 of the Royal Commission on Pilotage.

20 Q. What did you learn then? You were
21 informed about what?

22 A. Of the fact that each pilot had to
23 sign a form according to which his earnings would
24 be paid to the Corporation.

25 Q. In other words, what you want to
26 tell me at the present time is that this problem of
27 proxies to be obtained from pilots wouldn't have been
28 one of the reasons for which it was decided not to
29 abolish the Association within the Association with
30 the Quebec District?



1 French

2 A. Being a member of the Association
3 automatically we were a member of this pool and the
4 two-thirds of the members of the Association having
5 approved the By-Laws of the Corporation, well, auto-
6 matically are members of the pool either through the
7 Association or the Corporation.

8 Q. So is the scheme which was used
9 in order to apply to the Corporation the earnings of
10 the pilots, of the members of the Association?

11 A. Well, this is exactly the same
12 situation that has always existed. We could say
13 legally speaking you may have a different interpret-
14 ation but practically speaking it is exactly the
15 same situation that existed previously.

16 Q. Do you have any legal knowledge?

17 A. Well, quite minimal. I wouldn't like
18 to start discussing legal matters.

19 MR. LALONDE: (THE INTERPRETER: Mr.
20 Lalonde is speaking without the microphone.)

21 THE CHAIRMAN: His brother, but not himself.

22 MR. BRISSET: Q. Without having any
23 legal knowledge do you think that the Association
24 is a legal entity similar to the Corporation?

25 A. No.

26 Q. You will admit that the Corporation
27 is a completely legal separate entity from its members?

28 A. Yes.

29 Q. Well it is not the same case for
30 the Association?



1 French

2 A. That is correct.

3 Q. I notice in the history of the
4 establishment of the Corporations of the St. Lawrence
5 Districts that the Quebec District was the last one
6 to be established as a Corporation? Is there an;
7 explanation to that?

8 A. Perhaps the explanation would be
9 the following: The Board of Directors who were preced-
10 ing ~~that~~ Board of Directors wasn't interested or
11 wasn't interested in that matter. When we decided
12 to revise our By-Laws we received the approval to change
13 to a Corporation, but I don't know of any other
14 reason.

15 Q. Did you personally have to make
16 a campaign with your colleagues in order to make them
17 accept the idea of the establishment of the Corporation
18 for the Quebec District?

19 A. Yes, I gave a great deal of my time
20 to explain to my colleagues what were the advantages
21 of such Corporation.

22 Q. And eventually you convinced the
23 majority or, at any rate, 53 pilots out of 74?

24 A. Well, in co-operation with other
25 colleagues. I wasn't the only one to convince them.

26 Q. Mr. Bedard, I would like to refer
27 you to the By-Laws of the Corporation. Would you please
28 keep them before you. I would like to draw your
29 attention upon By-Law No. 1 which is a By-Laws which
30 amends the general By-Law No. 1. Could you please tell



1 French

2 me -- I am sorry, I was talking about the By-Laws of
3 the Federation, not the Corporation. I would like
4 to refer you to By-Law No. 2 of the Federation of the
5 St. Lawrence Pilots which modifies the general By-Law
6 No. 1.

7 A. On what page Mr. Brisset?

8 Q. I think the last page at Article
9 8 of the General By-Law No. 1 is amended by adding
10 the following paragraph. Could you please tell me
11 how this amendment was made to the General By-Law
12 No. 1, was it at the annual meeting or at a meeting
13 of the Board of Directors?

14 A. I made a proposal at the beginning,
15 at the meeting of the Board of Directors which was
16 submitted at the general annual meeting to the member
17 delegates and which was then voted, and then we wrote
18 to the Secretary of State and when we received confirm-
19 ation from the Secretary of State, well this amendment
20 was enforced.

21 Q. When that amendment was brought
22 by resolution of the Board of Directors, automatically
23 it was implemented?

24 A. Perhaps I didn't explain that
25 clearly. This idea was studied by the Board of
26 Directors and submitted to the general meeting and
27 then it was enforced only after having been submitted
28 to the general meeting and approved by the Secretary
29 of State.

30 Q. According to the General By-Laws it



1 French

2 could have been implemented as soon as it was voted
3 by the Board of Directors?

4 A. Yes.

5 Q. But this wasn't the procedure that
6 was followed?

7 MR. LALONDE: Perhaps you are discussing
8 a point of law here. My colleague has just said,
9 your lordship, that the By-Law since it was adopted
10 by the Board of Directors was implemented immediately
11 and the By-Law states it is only after the approval
12 of the Secretary of State, that is technically speaking,
13 that it can be approved and as soon as it was approved
14 by the Board of Directors -- of course it is always
15 subjected to the approval of the Secretary of State.

16 MR. BRISSET: Even if the amendment is
17 adopted by the Board of Directors it will be implemented
18 only upon the approval of the Secretary of State
19 which represents only a kind of formality?

20 A. Yes.

21 Q. Could you please tell me, then,
22 what was the aim of the amendment to Article 8?

23 A. Do you want me to read Article 8?

24 Q. What was the practical purpose of
25 the amendment? What was the opinion of the Administrators
26 when they decided to bring forth such an amendment?

27 A. The Article states -- I am going
28 to read the Article -- I will read the amendment:

29 Nevertheless starting from April
30 1st, 1960 an additional member will be



French

appointed by the Board of Directors in order to represent the group of which the President is a member. This member is appointed by the Board of Directors of the Federation upon recommendation of the Board of Directors of the member group concerned. This nomination should be made within 60 days after the election of the President. This is to replace the President who being administrator is no longer a representative of a member group because the President becomes totally impartial person who must preside over meetings and we thought it pertinent for the member Corporation to have an equal representation at the Board and his two representatives and it was for that reason that this amendment was brought forth.

Q. Then, if I understand that in a concrete fashion, let us take the present situation of the Federation of the St. Lawrence Pilots of which you are President.



RPS

1 French

2 Each Corporation has two delegates?

3 A. Each Corporation has two administrators.

4 Q. In the present case the Quebec
5 Corporation, to which you belong, has two administrators
6 aside from yourself because you are the President?

7 A. That is correct. When I was appointed
8 President at the last election, the member delegates
9 had to appoint Mr. Rousseau and myself to be the
10 administrators of the Federation. When the officers
11 were elected, I was appointed President and then the
12 following meeting there was no longer an administrator
13 from Quebec because he had become the President and
14 there was a proposal made so that Mr. Lafleur would
15 become an administrator for Quebec and he accepted
16 that proposal.

17 Q. In fact is it not true to say that,
18 taking into account the vote of the President at the
19 meeting, the Corporation of the Quebec District truly
20 has three votes?

21 A. That is not correct because the
22 President of the Federation, as I see it, is not a
23 representative of the Quebec District because the
24 President should not be put in a position where he
25 would represent a District and the President exercises
26 his right to vote only when there is a tie in the
27 vote.

28 Q. In other words, the President should
29 entirely separate himself from his own personal interests
30 within the electing District when he acts as President



1 French

2 of the Federation?

3 A. That is correct.

4 Q. Does he always do so?

5 A. According to the best of my knowledge,
6 I think so.

7 THE CHAIRMAN: Before you pass on to
8 something else. Mr. Bedard, are you still a director
9 within the Board of Directors of the Quebec Corporation?

10 THE WITNESS: No. As soon as I was
11 appointed President of the Federation two years ago,
12 I resigned as an administrator within the Quebec
13 District.

14 THE CHAIRMAN: Is there anything within
15 the By-Laws of the Quebec Corporation which provides
16 that the President of the Federation should not be
17 a member of the Board of Directors of the Quebec
18 Corporation?

19 THE WITNESS: No.

20 THE CHAIRMAN: In other words, your
21 resignation was not entirely necessary, legally speak-
22 ing?

23 THE WITNESS: No.

24 THE CHAIRMAN: But practically speaking
25 you deemed it a good idea to do so?

26 THE WITNESS: Yes.

27 THE CHAIRMAN: So nothing in the By-Laws
28 would keep a future President of the Federation from
29 being a member of the two Boards.

30 Q. Are you in a position to answer this



1 French

2 question: to find out if the President ex officio
3 was a member of the Board of his own Corporation?

4 A. I am not in a position to say if
5 he resigned when he became a President of the
6 Federation or not. I am not sure if he was President
7 of his Corporation.

8 Q. You are speaking about Mr. Bailly?

9 A. Yes.

10 Q. You explained to us, or made some
11 comments on the aims of the Federation during your
12 evidence, referring us to Article 2. Could you please
13 try referring to the same Section, from sub-Paragraph
14 A to F inclusive and tell us under what Section,
15 or sub-Section would the support given by the Federation
16 to the stoppage of work of all pilots from all Districts
17 fall?

18 A. Sub-Section B: To promote and
19 maintain professional interests of pilots, licensed
20 for any of the St. Lawrence River or Great Lakes
21 Districts.

22 Q. So according to you the Federation
23 of the St. Lawrence Pilots, by supporting a stoppage
24 of work, would meet with the objective of Paragraph
25 B, which is to promote and maintain professional
26 interests of licensed pilots?

27 A. This is depending on what type of
28 stoppage of work.

29 Q. Well let's take the stoppage of
30 work of 1962.



1 French

2 A. Well in 1962 you had a basic question
3 which affected the welfare of the pilots. When you had
4 to tackle this question, the four and a half per cent
5 within the Quebec District, at that time we have
6 decided that if the Government succeeded in imposing
7 that within a District, well then in a very short
8 while this would be imposed throughout the area, in
9 all Districts.

10 Q. So this point, according to you and
11 your colleagues of the Federation, was of general
12 interest and common interest for all pilots of the
13 St. Lawrence at that time?

14 A. Yes.

15 Q. When you answered in the way you
16 did, Mr. Bedard, did you take into account what the
17 Minister said in his letter on the 20th of February
18 sent to Captain Rousseau, that letter was given in
19 Exhibit 760.

20 A. Is there any special paragraph to
21 which you would like to refer?

22 Q. No. I would like you to read the
23 letter because we are going to discuss a number of
24 paragraphs.

25 A. Yes. We had seen this letter.

26 Q. Mr. Bedard you knew at that time
27 that the contentious item in the Quebec District was
28 especially to know if the income of the pilots was
29 too high or not?

30 A. Well all depends who wanted to know



1 French

2 if the income was too high.

3 Q. No, I don't want you to answer if
4 you believe that the income is too high. I would like
5 to know if the contentious item was not to determine
6 if the income of the pilots, in view of their workload,
7 was not too high?

8 A. No, this was not the contentious
9 item, in the letter from the Minister. I think it
10 was in the Treasury letter which said as they have
11 a very high income, we could take some of it to pay
12 for the administration expenses.

13 Q. Is it not true Mr. Bedard that the
14 Minister at that time had already raised with the
15 Federation and the Corporation the idea to establish
16 a kind of ceiling to the income of the pilots in
17 each District? Do you know? Have you knowledge of it?

18 A. Yes, I think so.

19 Q. Once the ceiling was established,
20 the matter was to establish a rate which would provide
21 the necessary income to pay for the salaries of the
22 pilots?

23 A. Yes, that was discussed.

24 Q. In other words, once the objective
25 of the ceiling was established, the problem was to
26 establish a rate which would attain this objective?

27 A. Yes. These ideas had been already
28 expressed by the Shipping Federation especially and
29 also by the Department.

30 Q. Now Mr. Bedard is it not true that



1 French

2 when a certain rate is established in a District, that
3 is the rate or the tariff to be charged to the ships
4 for pilotage fee, is it possible to establish exactly
5 the income that will result from it for the future?

6 A. No, it is not possible to establish
7 the exact figure. I could give an approximation, but
8 I cannot give an exact figure.

9 Q. In other words, the tariff could
10 produce an income which would be lower than the one
11 foreseen, or an income higher than the one foreseen?

12 A. Yes, it is possible.

13 Q. Now admitting all this, don't you
14 think that the letter from the Minister, that you just
15 saw, was just saying this: if the tariff that we
16 are going to establish this year for the pilotage
17 fees in the Quebec District brings an income which
18 would be higher to the one foreseen, then the excess
19 would be used up to four and a half per cent to meet
20 the administrative expenses in the District?

21 A. Well I don't know exactly what
22 the Minister wanted to say. It was not very explicit.

23 Q. In other words, the letter was not
24 very clear? Was not explicit?

25 A. Well the letter says this: we thought
26 that it could be possible to take four and a half
27 percent of the pilots' income to reimburse the
28 administration expenses and other expenses for pilot
29 launches. They do not say that it would be four and
30 a half per cent of the excess of income of the preceding



1 French

2 year. It would be one-half of one per cent, this
3 would be taken from the income. 25 per cent they
4 were asking in Saint John, New Brunswick. Why ask
5 this figure in Quebec?

6 Q. Well was the letter explicit?

7 A. Yes, it was explicit that the
8 Government wanted to take part of the pilots' income.

9 Q. Don't you think it is only if the
10 income was higher than the established objective
11 or ceiling?

12 A. Well I am going to read the letter
13 again if you don't mind. Maybe you could help me by
14 showing me the paragraph or pointing the paragraph
15 out to me. The first paragraph on page 2 they talk
16 about an objective.

17 Q. May I read an extract of the first
18 paragraph, for example. It says:

19 "As you have informed, I believe, the
20 Treasury Council as have the Ministry to
21 establish a line of conduct which, while
22 giving to the pilots a reasonable income . . ."
23 and if I can make a comment, the reasonable income
24 is the objective . . .

25 "would be the reimbursement of pilots, part
26 of the Government expenses if the income
27 of the pilot would permit it."

28 Don't you think that these words would
29 imply that it was only if the income would be higher
30 to the reasonable income that in such a case that



1 French

2 this four and a half per cent would be deducted by
3 the Government?

4 A. Well first we were completely against
5 that idea of four and a half per cent, or one-half of
6 one per cent. It was a new principle which was
7 introduced. They wanted to control the pilots'
8 income through this method. It would be the Government
9 who would establish the reasonable income and then
10 it was -- then we are in their hands.

11 MR. LANGLOIS: Excuse me Mr. Brisset,
12 my lord, I believe my learned colleague should ask
13 the witness which interpretation he is giving to the
14 Minister's letter. That is to say if the letter is
15 clear or not clear. Now it is then a matter of
16 interpretation and if the interpretation given by the
17 pilot was wrong, my learned colleague could prove
18 that the pilot should not give such an interpretation.
19 I believe that the examination up to now is very
20 futile and it represents a loss of time.

21 THE CHAIRMAN: This is a subjective
22 matter. It is only the witness who can say if the
23 text is clear or not clear, so it is a fact that the
24 counsel has asked such a question. Now it is a
25 subjective matter for the witness to say if the text
26 was clear or not clear so the question is granted.

27 Q. Now do you believe that the text
28 was precise or not precise?

29 A. Well my lord the text was clear
30 as far as the policy of the Ministry, which was to take



1 French

2 part of the pilots' income. Now whether it means
3 in exceptional cases or not, the principle was there:
4 the Minister could take part of the pilots' income.

5 Q. Now Mr. Bedard was it not true that
6 since 1960 each year during the winter season the
7 pilots were making complaints to the Government
8 especially asking for a revision of the tariff, a
9 large revision?

10 A. Yes. Some Districts were asking for
11 it some years. In other years other Districts were
12 asking. During all our winter meetings they were
13 talking about raising the tariff through negotiations
14 with the parties concerned.

15 Q. Mr. Bedard did the pilots ever
16 ask to reduce the tariff?

17 A. No. I don't believe that the
18 Shipping Federation ever asked for an increase in the
19 rates.

20 Q. I do not agree with you. Let us
21 suppose that the pilots never asked for a revision
22 of the tariff, which would reduce the income, is it
23 not true as regards the additional income that these
24 increases would bring one could give an approximation?

25 A. Yes, an approximation but a very
26 close approximation.

27 Q. But if these tariff revisions were
28 to bring, for example an unexpected increase, is it
29 not true that the pilots wanted to profit from it?

30 A. No, I don't believe that. The increases



1 French

2 were never that high.

3 Q. It is a matter of figures. I don't
4 want to say that we would receive \$10 million when
5 we would expecting to receive \$100,000, if you understand
6 my question. Is it not true that in fact this is what
7 the Minister in his proposal wanted to redress, that
8 such a tariff revision could bring an expected increase
9 of income?

10 A. All I understand is in his letter
11 the Minister wanted to take a certain part of the
12 pilots' income to pay for the administration expenses.
13 This is the only point which I understand.

14 Q. Is it not true that the problem
15 existed only in the Quebec District?

16 A. Yes.

17 Q. But you believe that in the future,
18 if the principle was accepted, that the same principle,
19 the same method would be introduced in other Districts
20 and that was the reason for the work stoppage?

21 A. Yes. This is the main reason.

22 Q. Until the Ministry gave way?

23 A. Yes.

24 Q. Now let us talk about the Quebec
25 District, which is your District Mr. Bedard. Do you
26 believe that the present income of the pilots in your
27 District represents a sufficient income?

28 A. No, I do not believe so.

29 Q. You certainly have an idea of what
30 the income should be in the Quebec District for each



1 French

2 pilot, taking into account the present workload. Do
3 you want an exact figure?

4 A. No, I believe that it is not something
5 ~~that~~ can be established by one person or by parties
6 concerned. I think the income should be in relation
7 to the responsibilities.

8 Q. In other words, you cannot give a
9 figure of what the income of the pilots should be?

10 A. I don't want to give a figure. I
11 think we should find a method through which the
12 interested parties present their arguments.

13 Q. Is it not true that during the last
14 few years, since 1960, what you just explained was the
15 pilots' position during their negotiations?
16 They never wanted to give the exact figure of the
17 income they wanted to reach each year?

18 A. Yes.

19 Q. Now let us come back to the workload.
20 Do you believe that in the Quebec District the present
21 workload is excessive or not?

22 A. I believe it is a fair workload,
23 taking into account the limit, the good sense of the
24 human endurance, human resistance. Each year we are
25 going for one more trip, and there is a certain limit
26 which was raised in 1959. I think the excessive limit
27 was reached but nobody wanted to understand it. People
28 said you are making two trips, two more trips each
29 year but there is a limit because there is the pilot's
30 fatigue; there is also the ship's safety which is in that



1 French

2 state.

3 Q. So if I understand your answer,
4 leaving aside the year 1959 the present workload of the
5 pilots in the Quebec District is not excessive and,
6 accordingly, is no more ---

7 A. Mr. Brisset, I would like to say
8 during peak periods the workload is excessive.

9 Q. According to your experience which
10 are the peak periods?

11 A. Well probably the fall, October maybe.
12 Now when I talk about peak periods, it may not necessar-
13 ily be a full month. It could be a peak load during
14 four or five days during which the pilots could be
15 called upon to stay maybe three or four days on board
16 a ship to work and at that time then it is excessive.

17 Q. This is one of the drawbacks of the
18 pilot's life, and it is one of the reasons for the
19 high income he receives.

20 A. Yes, certainly it is one of the
21 drawbacks.

22 Q. In other words, the pilot according
23 to his duties cannot have a normal work day from 9 to
24 5 and five days a week?

25 A. No. The pilot is a free contractor
26 and when there are peak loads, he works willingly.

27 Q. Mr. Bedard you said that the St.
28 Lawrence Federation was only concerned with matters
29 of general interest for the pilots?

30 A. Yes.



1 French

2 Q. Is it not true that the Federation
3 dealt with the problems which were raised in the King-
4 ston-Montreal Districts? That is to say whether or
5 not there should be established a system of mandatory
6 payment of the pilotage fee?

7 A. Yes.

8 Q. Could you explain to us how this is
9 one of the general interests for the Federation?

10 A. It was of special interest in the
11 District. This was of general interest for all the
12 St. Lawrence River pilots. We had the experience of
13 the kind of pressures, the American pressure they
14 were exercising in order that the American pilots be
15 allowed to pilot the ship all through the St. Lawrence
16 and the system with the mandatory payment of the
17 pilotage fees, we thought we could stop this.

18 Q. So these measures, precautionary
19 measures you wanted to take at that time were against
20 the American lakers ships especially?

21 A. Yes, the American lake ships and
22 other high-seas ships. Some of these high-seas ships
23 were piloted by American pilots all the way though.

24 Q. You named one.

25 A. I think that later on I will prove
26 that pilots can give other names of ships.

27 Q. To delineate the problem: these
28 events happened in the fall of 1960?

29 A. Yes. No, it was in the summer I
30 think and also in the fall of 1960.



1 French

2 Q. If I understand your evidence, you
3 did not want the American pilots to pilot the ships
4 between Cornwall and Montreal?. That is to say in
5 purely Canadian waters?
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B/RPS 1 French

2 Did you study the question, the problem
3 that arose at that time?

4 A. Yes, in a way.

5 Q. Did you realize that in spite of the
6 fact that you didn't want American pilots piloting
7 between Cornwall and Montreal you wanted Canadian
8 pilots to take a ship from Cornwall and Kingston through
9 American waters?

10 A. No, those are international waters.

11 Q. So, for you those are international
12 waters?

13 A. Yes.

14 Q. So the American waters are international
15 waters and only Canadian pilots can pilot there?

16 A. The American waters in the section
17 which is higher than Cornwall, and the Great Lakes
18 Basin, and there is an international agreement on this
19 matter. I don't want to elaborate that we all know
20 that the Government has established a pilotage system
21 which is partly American and partly Canadian and
22 which has been recognized as a good system, but from Corn-
23 wall to Montreal were outside of the Great Lakes
24 Basin.

25 Q. Well, Mr. Bedard, you wanted that
26 the Canadian pilots be granted a system which wasn't
27 good for American pilots.

28 A. No, we wanted Canadian pilots to
29 operate strictly in Canadian waters.

30 Q. At the same time you wanted the Canad-



1 French

2 ian pilots to pilot in American waters or international
3 waters?

4 A. No, at that time of the discussion
5 this wasn't a problem.

6 Q. Did you know at that time there
7 were negotiations going through both the Government
8 of Canada and the American Government in order to solve
9 this problem and to divide the jurisdictions, to
10 establish in ~~which~~ area the pilots would exercise their
11 duty?

12 A. Well, we were told that there were
13 negotiations in progress.

14 Q. In spite of that you insist, you
15 indicated that the problem from Cornwall to Montreal
16 be settled immediately?

17 A. Yes.

18 Q. To speed up the settlement is it not
19 true that you said that you would stop work?

20 A. Well, you know that for a number
21 of months we had these pilots taking ships down to
22 Montreal. We had each time -- we had problems and
23 the pilots concerned were sending telegrams and we
24 received -- we received an answer from the Ministry
25 that there was a situation that should be corrected,
26 but the Ministry weren't surprised, and knew a long time
27 we wanted the Canadian pilots to pilot ships in that
28 section.

29 Q. So you were saying that you were
30 going to stop work, you were saying that to the Minister?



1 French

2 A. In our letters to the Minister we
3 said if no decision were taken we would call a congress,
4 a convention to get members informed and this we did.

5 Q. So, come back to my question, you
6 said that you were going to stop work. Who would
7 be affected by such work stoppage?

8 A. Well, the user.

9 Q. Is it not true that the user for
10 the large measure where the oceanic ships?

11 A. Yes.

12 Q. Do you find it fair that the pilots
13 in their communications with the Minister would threaten
14 to strike against the oceanic ships to win an argument
15 which applied to the American lake ships?

16 A. Well, it is a kind of pressure which
17 was exercised to try and correct this situation, but
18 naturally if the users are affected I deplore such a
19 situation.

20 Q. So you believe that it is a good way
21 to proceed, to threaten the oceanic ships to win an
22 argument of affecting the lake ships?

23 A. Well, the pilots didn't like to
24 proceed in such a way. We would prefer to have a
25 system through which we could meet with the interested
26 parties.

27 Q. Do you think that ocean-going vessel
28 navigation authorities could do something in that respect?

29 A. I think it was an interest of the
30 shipowners of ocean-going vessels to see to it that



1 French

2 there was a compulsory payment system in existence within
3 the District and I think if the Shipowners had exercised
4 pressures at the same time as the pilots perhaps the
5 whole matter would have been settled faster.

6 Q. Are you aware that during that period
7 of uncertainty while the Government was negotiating that
8 American pilots were going to ocean-going vessels both
9 in Cape Vincent and Kingston and told those ships'
10 masters that they were ~~pilots~~ and the ship masters
11 should take them on board to be piloted up to Montreal?

12 A. This was told me.

13 Q. You also know that the ocean-going
14 vessels were threatened by retaliation on the part
15 of the American pilots if their services weren't
16 accepted?

17 A. I don't think so. This was told to
18 me.

19 Q. Don't you think the ocean-going
20 vessels under such circumstances even if there had been
21 no retaliation, due to the uncertainty and this state
22 of confusion were finding themselves in the difficult
23 position?

24 A. Yes, I think so.

25 Q. But just the same you thought it
26 pertinent to threaten the strike so that these vessels,
27 and I mean the ocean-going vessels be sort of
28 embarrassed?

29 Q. Well, this was a type of protection
30 as well for these ocean-going vessels because the ships'



1 French

2 masters or else the American pilots who whether they
3 be licensed were accepted and that created a situation
4 and it was a kind of protection for these vessels not
5 to avail themselves of services of **foreign** pilots
6 who offered their services.

7 I am happy to see you were defending the
8 ocean-going vessels at that time. The last question
9 on that matter: you complained and I am talking
10 officially, you, I mean the officers of the Federation
11 of the terms used by the Shipping Federation especially
12 when they used the following terms, "undue pressure
13 having been brought upon the Pilotage Authority".
14 Are you still aware or in agreement with undue pressure?

15 A. When we complained about the undue
16 pressure -- well the Shipowners may have their own
17 opinion insofar as the terminology is concerned, and
18 undue pressures -- I think we should . . .

19 MR. LALONDE: Could my colleague quote
20 exactly the page where the Shipowners used that expression
21 on the one hand and in the second pilots, where the
22 pilots would have complained. I remember having
23 heard that expression quite lately.

24 MR. BRISSET: Your lordship, I don't know
25 if the transcript is ready this morning. I don't think
26 so, but the witness used those words, undue pressure
27 yesterday when he gave us evidence. I don't know if
28 he was referring to documents that my colleague has
29 before him or if he was referring to something else,
30 but he used the words undue pressure.



1 French

2 MR. LALONDE: I think my colleague has just
3 stated that the witness was complaining about the fact
4 that the Shipowners have used the expression "undue
5 pressure", and I wonder if the expression was not
6 "undue political pressure". That seems to be . . .

7 MR. BRISSET: The question is not important.
8 I can withdraw it as my colleagues objects to it.

9 MR. LALONDE: I am not objecting to it,
10 but if my colleague would like to put the question in
11 the exact terms in which it was indicated by the
12 Shipping Federation, well then, I have no objection
13 for the witness to explain exactly what occurred.

14 MR. BRISSET: Mr. Bedard, is it not true
15 that in October, the fall of 1960 . . .

16 MR. LALONDE: In order to help my colleague,
17 on page 6 of Annex 49 of the brief of the Shipping
18 Federation, volume 2 it is stated:

19 "In addition it permits a small group
20 "of men by personal contact with their
21 "political representatives to exercise
22 "undue political pressure on the Pilotage
23 "Authority responsible for the administration
24 "of pilotage."

25 That is probably what my colleague was
26 referring to.

27 THE CHAIRMAN: This is a reciprocal
28 agreement.

29 MR. BRISSET: Q. Is it not a fact, Mr.
30 Bedard, that in the fall of 1960 when there was a threat



1 French

2 of a strike, stoppage of work on the part of the pilots
3 because of the problems existing within the District
4 of Montreal, Kingston, the Federation undertook a
5 press campaign, very strong press campaign?

6 A. Well, according to what you have
7 before you I would say yes.

8 Q. Is it not a fact that the Shipping
9 Federation was calling press conferences?

10 A. The Federation of Shipowners?

11 Q. I am sorry, Federation of Pilots.

12 A. That is correct.

13 Q. That was another means of exercising
14 pressure on the Minister?

15 A. Well, this is a means of informing
16 the public and naturally pressures may stem out of it.

17 Q. It is not my intention to produce
18 all the different press clippings that I compiled at
19 that time but I would simply like to refer you to an
20 article which was published in the newspaper La Presse
21 of October 11, 1960 and ask you after having examined
22 that article to file it if you have anything to add
23 about that article. I would like to quote one paragraph
24 of the article myself:

25 The work stoppage which upon concession
26 of an official spokesman of the professional
27 organization is the equivalent of a strike.
28 It may paralyze entirely navigation on the
29 St. Lawrence River and St. Lawrence Seaway
30 even up to Kingston, at least.



1 French

2 A. What do you want me to do with the
3 article.

4 Q. Do you think that this article
5 reproduces or transmits exactly the situation as it
6 existed at that time?

7 A. We may take it as an article written
8 by a newspaperman. I would have to read it entirely
9 in order to give you an answer.

10 Q. I wouldn't say it was complete, but
11 it give an exact idea -- does it represent the situation
12 as it existed at that time even if the article is not
13 complete and does not contain all the details?

14 A. Well, a protest against the attitude
15 of the Government -- the pilots on the St. Lawrence
16 Seaway will stop work on Friday -- I think the title
17 at any rate expressed exactly the situation as it
18 existed.

19 Q. Could you please file this excerpt
20 of the newspaper article, extract of La Presse, Montreal
21 newspaper of October 11th, 1960 as Exhibit 762.

22
23 ---EXHIBIT NO. 762:

Excerpt of Montreal
newspaper article from
La Presse of October 11th,
1960.

24
25
26 Q. Now, in order to try to convince
27 all the St. Lawrence Pilots to take part in the
28 proposed stoppage of work what was the type of propaganda
29 would you undertake with the pilots of your Districts
30 aside from the one which is strictly involved?



1 French

2 A. The Board of Directors has two
3 representatives from each group Corporation and these
4 representatives enlightened their own Board of Directors
5 and their Board of Directors could discuss the facts
6 orally with the pilots and there are also other means
7 which were bulletins sent either to the Federation or to
8 the Corporation themselves.

9 Q. Wouldn't you say to the pilots the
10 following, more or less: what may happen is that the
11 American pilots are going to pilot up to Father Point?

C2 12 A. This was a danger that we could fore-
13 see at that time because if such a situation had contin-
14 ued eventually the pressures exercised by these
15 people and the American Government would give rise to
16 such a danger and I think we expressed the fact
17 about such danger either orally or in writing.

18 Q. ~~YIn~~ In other words you were trying
19 to indicate such a situation to the members that is
20 of American pilots going downstream on the St. Lawrence
21 on board a vessel of the Cunard Line?

22 A. No.

23 Q. Did you ever go that far?

24 A. No.

25 Q. On what vessels would these American
26 pilots perform their work?

27 A. I am not in a position to say. The
28 first thing that they would have accomplished would
29 certainly have been to pilot on the lakers.

30 Q. You mean the crew, you mean the ships'



1 French

2 masters and the mates?

3 A. I know very well there may have been
4 unlicensed pilots on these vessels and they would
5 pilot their own American scows.

6 MR. BRISSET: Your lordship, I would like
7 to change the subject matter. Perhaps we could adjourn
8 now?

9 THE CHAIRMAN: Yes. We will adjourn for
10 a few minutes.

11
12 ---A SHORT RECESS.

13
14 ---FOLLOWING THE SHORT RECESS:

15
16 MR. BRISSET: Mr. Bedard, I would like to
17 ask you another question which I have forgotten, a
18 question relating to the stoppage of work proposed in
19 October 1960. When at that time statements had been
20 made at La Presse by your legal adviser, Mr. Lalonde,
21 am I right in believing that these statements have
22 been made with the approval of the Federation of St.
23 Lawrence Pilots?

24 A. Yes.

25 Q. I would like to refer you to an
26 excerpt from the Gazette on September 17th, 1960 which
27 reads as follows:

28 "Mr. Lalonde said that the pilots will

29 "be ready to attend a general meeting within

30 "48 hours of being notified. 'General



English

"'meeting' is pilot terminology for a
"walkout. As civil servants they are
"not permitted to strike. The Federation's
"lawyer denied that the pilots in the
"Districts affected earned \$14,000 a year.
"When expenses of running the organization
"have been deducted the most any could
"expect would be \$10,000, he said. Action
"by the pilots would hurt ocean shipping the
"most. Lake vessels generally are conceded
"the right to move over the 450-mile route
"which includes the St. Lawrence Seaway
"with an officer acting as pilot. Mr.
"Lalonde cited instances where the United
"States pilots have intercepted ocean
"ships near the lower end of Lake Ontario
"while Canadian pilots wait for the vessel
"to arrive at a given point. Letters of
"complaint have been forwarded to American
"authorities over this practice, Mr. Hees
"told the Association, and the Government
"is awaiting a reply".

MR. LALONDE: Before the witness answers
this I would like to look at it. Everything there is
not a quotation from me. It is a comment by the
newspaper on a report of what I am alleged to have
said. I am sure I never stated that the pilots as
civil servants are not permitted to strike because in
my opinion --- it has never been my opinion as to their



1 English

2 real status. The same applies to most of the rest.

3 I may have stated that the pilots -- I cited instances

4 where U.S. pilots intercepted ocean ships near the

5 lower end of Lake Ontario. There again where it

6 says lake vessels are conceded the right over the

7 450-mile route which includes the St. Lawrence Seaway

8 with an officer acting as a pilot -- that statement

9 is put in my mouth -- that is just what the newspaper

10 said. The only thing which is put in my mouth in

11 this statement and which I deny -- it is not put in

12 my mouth -- I have to read it all over again. I think

13 my friend is being misleading, probably unwillingly.

14 The "general meeting is pilot terminology for a

15 walkout" -- that is not attributed to me. It is a comment

16 by the newspaperman. The same applies to the following

17 sentence "As civil servants they are not permitted to

18 strike".

19 Then "The Federation's lawyer denied that

20 the pilots in the District affected earned \$14,000 a

21 year. When expenses of running the organization have

22 been deducted the most any could expect might be

23 \$10,000, he said". I may have said that. I don't

24 remember exactly. It is attributed to me but it is

25 not between quotes. I may have said something approach-

26 ing this.

27 This "Lake vessels generally are conceded

28 the right to move over the 450-mile route which

29 includes the St. Lawrence Seaway with an officer acting

30 as a pilot" -- this is a statement by the newspaperman.



1 English

2 Then "Mr. Lalonde cited instances where the United
3 States pilots have intercepted ocean ships near the
4 lower end of Lake Ontario" -- I probably did so at the
5 time.

6 The only thing which is attributed to me
7 in this, the fact the pilots will be ready to attend
8 a general meeting within 48 hours of being notified --
9 this I admit. I probably said it at the time.

10 That pilots didn't earn \$14,000 in 1960
11 as alleged by the Department -- I may have said this
12 although I don't remember having said exactly \$10,000,
13 maybe a little bit more or a bit less. Now, I cited
14 instances where U.S. pilots had intercepted ships,
15 but for the rest I deny that fully. It is a statement
16 by the newspaper.

17 MR. BRISSET: I am quite satisfied with
18 the explanation of my confrere. I think it should be
19 filed subject to his statements. Would you file it?

20 MR. LALONDE: I have no objection, but I
21 am going to have to file a tremendous amount of press
22 clippings myself if we go on like that.

23 THE CHAIRMAN: 763.

24 THE SECRETARY: An extract of the Gazette,
25 September 27th, 1960.

26 MR. BRISSET: I think perhaps we could
27 attach the two together.

28 THE CHAIRMAN: The two together.

29

30



1 French

2 (THROUGH THE INTERPRETER.)

3 MR. BRISSET: Q. Mr. Bedard, I would like
4 to get . . .

5 MR. LALONDE: To raise another point of
6 the Federation's statement, when it states that the
7 difference between \$14,000 and \$10,000 -- I am sure
8 that I certainly didn't imply at that time that it
9 cost \$4,000 in administration costs.

10 (THROUGH THE INTERPRETER.)

11 MR. BRISSET: Q. Mr. Bedard, would you
12 be in a position to give us with the documents you have
13 on hand a list of the member delegates of each
14 Corporation within the Federation of the St. Lawrence
15 Pilots in the years 1960, 1961, 1962 and 1963, if you
16 please?

17 A. This could be done, but I think it
18 has already been filed.

19 Q. I am talking about the member
20 delegates. Would you please have this list as
21 Exhibit 764 -- I am sorry, 763. Exhibit 762 is the two
22 newspaper articles. A list of the member delegates
23 of each Corporation of Pilots of the Federation of
24 St. Lawrence Pilots for the years 1960, 1961, 1962 and
25 1963. Mr. Bedard, Article 6 of the Federation By-Laws
26 speaks about active members. Could you please indicate
27 what are the privilege they have to have to be active
28 members within the Federation?

29 A. The active members are all pilots,
30 members of a Corporation or a member Association of the



1 French

2 Federation. They have the privilege of selecting
3 according to their system their member delegates.
4 They have the privilege of attending the conventions,
5 the meetings and the conventions.

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13 ---EXHIBIT NO. 763: List of member delegates of
14 each corporation of Pilots of
15 the Federation of St. Lawrence
16 Pilots for the years 1960, 1961,
17 1962 and 1963.
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MR/RPS 1 French

2 To voice their opinions, and they also
3 have the privilege of receiving the financial state-
4 ments of the Federation.

5 Q. At the present time are all the
6 members of the Corporation belonging to the Federation
7 active members of the Federation? Are there some
8 who are excluded?

9 A. They are all active members of the
10 Federation, without any exception.

11 Q. I note, insofar as meetings of the
12 Federation are concerned, the active members attend
13 only one meeting. This is called the annual convention.
14 Is that correct?

15 A. Yes.

16 Q. In the brief submitted to the
17 Corporation by the Federation of St. Lawrence Pilots,
18 you give the number of member delegates who have attend-
19 ed the annual convention for the years 1960, 1961
20 and 1962, if my memory is correct. Do you have, aside
21 from that, a record indicating what is the number of
22 active members who attend these conventions?

23 A. Yes. We have a record kept about
24 that.

25 Q. Could you please give us the same
26 information as the one that is given in the brief of
27 the Federation with regard to member delegates for the
28 years 1960, 1961, 1962 and 1963?

29 A. Well I will see that this is
30 prepared Mr. Brisset.



1 French

2 Q. You told us, during your evidence,
3 that the Federation had two honorary members.

4 A. That is correct.

5 Q. Who are these two honorary members?

6 A. The Honourable Paul Jean Lajoie and
7 Leon Balcer.

8 Q. Was the Honourable Balcer elected
9 an honorary member after or before the speech he
10 made at the convention of the year 1961?

11 A. After. No, he was appointed honorary
12 member afterwards but his election was made beforehand.
13 The decision to appoint him as an honorary member was
14 decided before this speech and after this he was
15 initiated as an honorary member.

16 Q. You did not deem it pertinent to
17 appoint the present Minister of Transport or was there
18 a meeting of the convention since the appointment of
19 the new Minister of Transport?

20 A. Neither the new Minister of Transport
21 or Minister of Youth, and so forth.

22 Q. I would like to refer you now to the
23 financial statements of the Federation which have been
24 filed as Exhibit 759. I would like to refer you to the
25 financial statement for the year 1962, schedule D
26 under the heading "turns granted to the President"
27 \$2,405. Could you please explain to me how this
28 amount was reimbursed to the Corporation of your
29 District?

30 A. For the turns that I missed, whenever



1 French

2 I have to attend to administrative business or to go
3 to a meeting of the Board of Directors of the Federation
4 of the St. Lawrence Pilots, the Secretary-Treasurer
5 of the Corporation of the Lower St. Lawrence forwards
6 a letter stating that the President, that is myself,
7 has missed a certain number of turns and the value
8 of this number of turns is such an amount. Then we
9 send a cheque to that amount to the Corporation of
10 the St. Lawrence Pilots.

11 Q. So the Corporation of the Lower
12 St. Lawrence Pilots receives from the Federation for the
13 year 1962 a cheque to the amount of \$2,405. Is that
14 correct?

15 A. Yes, that is correct. This is what
16 is shown on that document.

17 Q. So that reimbursement, according to
18 what you know about the books of the Corporation,
19 should be shown as an income of the Corporation for
20 the year 1962?

21 A. Yes, I think so.

22 Q. Could you please explain to me,
23 by referring to Exhibit 759 where was that reimbursement
24 indicated under the heading "income"?

25 A. Under the heading "other income".

26 Q. The amount is exactly the same, that
27 is \$2,405?

28 A. That is correct.

29 Q. So this is the reimbursement regarding
30 turns?



1 French

2 A. Yes.

3 Q. Have you signed as President of the
4 Federation the financial statements that have been
5 filed here as Exhibit 559, or rather 759? I am talking
6 about the original financial statements because I
7 notice that those here that are filed as exhibit do
8 not bear the signatures of the administrators.

9 A. Those I have here before me are
10 not signed either.

11 Q. Am I right in thinking the originals
12 have been signed and approved in fact by the administrators?

13 A. Yes, they have been approved by the
14 administrators in fact at the meeting of the Board of
15 Directors and approved by the general meeting, but I
16 do not recall having signed them. Perhaps this is
17 just an omission, although I may check that against the
18 original if it is at the headquarters of the Federation.

19 Q. Now still about this financial
20 statement for the year 1962, schedule D, under the
21 heading allowance for the President for hotel, meals,
22 I see an amount of \$3,140. Would that amount represent
23 the allowance of \$20, or \$30 a day, aside from the
24 travelling expenses which you mentioned during your
25 evidence?

26 A. The President's allowance is an
27 allowance of \$30 a day for reimbursement of expenses.
28 There is also an allowance of a monthly \$100 which is
29 a statutory allowance which is paid every month to the
30 President.



1 French

2 Q So this amount of \$3,140 includes
3 this allowance of \$30 a day for travelling expenses?

4 A. Yes, that is correct.

5 Q. In the same case, the same allowance
6 given to administrators, the amount of which is
7 \$2,320 for the year 1962, I understand that the allow-
8 ance is only \$20 a day?

9 A. Yes, that is correct.

10 Q. You told us that the Federation of the
11 St. Lawrence Pilots had not itself in the year 1962
12 assumed responsibility for the strike or the work
13 stoppage which occurred from April 6th to April 13th
14 1962. Is that correct?

15 A. Yes.

16 Q. So the responsibility had been taken
17 by the Corporations of all Districts which stopped
18 work during that period of time?

19 A. Yes, that is correct.

20 Q. What do you call, in your own words,
21 a strike fund? What does that imply or mean to you?

22 A. My idea about a strike fund would
23 be an amount which would be put aside, either on a
24 monthly, weekly or yearly basis and would be accumulated
25 as a reserve which could be used in order to be used
26 in the case of a possible strike, or a foreseen strike
27 in order to pay for the expenses of such a strike.

28 Q. In other words, a strike or a work
29 stoppage always gives rise to expenses for all those
30 who take part in it, or for the organization of such



1 French

2 a work stoppage?

3 A. Logically speaking, yes.

4 Q. Could you please give me an idea
5 of the type of expenses that such a strike or work
6 stoppage would give rise to?

7 A. On the part of whom?

8 Q. Well for an organization such as the
9 Federation or Corporation?

10 A. Travelling expenses, paper, correspond-
11 ence, bulletins, different things of that type.

12 Q Is publicity included therein?

13 A. Well very little publicity, in fact.
14 Legal costs, legal fees.

15 Q. I see that you had forgotten the
16 most important item. Mr. Bedard, is it true to say
17 that the Federation has contributed, in 1962, towards
18 the expenses of the Corporations concerning this
19 work stoppage of April?

20 A. Could you please be a little more
21 accurate in your question?

22 Q. Did the Federation of the St. Lawrence
23 Pilots contribute toward the expenses that the
24 Corporations of the different St. Lawrence Districts
25 have incurred as regards this stoppage of work of
26 April 1962?

27 A. During that stoppage of work the
28 Corporations themselves have **paid** for the expenses
29 of their administrators or delegates, and so forth
30 and the Federation looked after the payment of expenses



1 French

2 that would be of a regional nature rather than a local
3 nature.

4 On the other hand, I think that there was
5 a reimbursement to a Corporation for expenses that this
6 Corporation had incurred.

7 Q. What was that Corporation?

8 A. That was the Corporation of the Lower
9 St. Lawrence Pilots.

10 Q. Were there any expenses reimbursed
11 to the Corporation of the Mid-St. Lawrence Pilots?

12 A. I don't remember, but I don't think
13 so.

14 Q. Could you please check that?

15 A. Yes.

16 Q. Would there be any expenses reimbursed
17 to the Corporation of the Montreal Harbour Pilots?

18 A. I don't think so.

19 Q. Could you please check that also.

20 Now funds that were used in order to reimburse, in the
21 case of the Corporation of the Lower St. Lawrence
22 Pilots, came from whence? My question was the following:
23 What funds were used to reimburse the Corporation of
24 Pilots?

25 A. The expenses incurred by the Lower
26 St. Lawrence Pilots were reimbursed on the instructions
27 of the Federation. The Lower St. Lawrence Pilots had
28 to pay a number of expenses and to meet such expenses
29 they were reimbursed and such expenses were, in fact,
30 of interest for the Montreal office and this is why we



1 French

2 paid it and we assumed the expenses. That amount was
3 taken out of the annual dues.

4 Q. In other words, the funds were taken
5 from the funds that the Federation had on hand at that
6 time. Was it necessary to impose a special levy?

7 A. No.

8 Q. Which were the dues imposed to the
9 member Corporation in 1962? I see that the amount was
10 \$26,900. I would like to know which were the special
11 levies? I am sorry, I withdraw this question.

12 Could you please, as regard the statement
13 for 1962, give us the details of the dues imposed on
14 the member Corporations either as special dues or
15 normal dues?

16 A. I have taken notes, prepared some
17 notes on the 15th of March 1962 to that effect. The
18 only due approved by the Congress was \$100.

19 Q \$100 for each member of the member
20 Corporations?

21 A. Yes.

22 Q. What was the total number of active
23 members?

24 A. 271, according to what I see in the
25 statement.

26 Q. 271, but outside of that annual due,
27 did you impose any special levy in 1962?

28 A. Yes, \$25 for the Congress of 1963.
29 That is a special levy which was voted and on the 1st
30 of August a special levy for the Royal Commission on



1 French

2 Pilotage.

3 Q. How much?

4 A. \$100.

5 Q. So the total dues for each member,
6 according to the figures you gave were \$225 for 1962?

7 A. That is right.

8 Q. Mr. Bedard you spoke about two special
9 assemblies held by the Federation in October 1962 and
10 June 1963. Is that correct?

11 A. Yes, that is true.

12 Q. You also said that each of these
13 assemblies were called through a notice sent to each
14 member?

15 A. Yes.

16 Q. Could you show us this? This will
17 be filed under Exhibit 764, either the notice of
18 the special assembly of October 1960 or the notice of
19 the calling of the special meeting of June 1963.

20 THE CHAIRMAN: We did not give any number
21 for the others, as yet.

22 MR. BRISSET: I think we should give a
23 number to the two other documents I have mentioned
24 so we are going to change the order. We would file
25 as Exhibit 764 the list of the active members.

26
27
28
29 ---EXHIBIT NO. 764:

List of active members
present at the Congress in
1963.



1 French

2 ---EXHIBIT NO. 765:

Two notices calling the
special assembly in 1960
and June 1963.

3
4
5 Q. Mr. Bedard you reviewed with us
6 the history of the events which were of particular
7 interest to the Federation since 1959. I would like
8 now to look into some of these events with you,
9 starting with Bill S-3. Did you participate yourself
10 in the meeting or assemblies with Committee or
11 Committees in Ottawa which studied this draft Bill?

12 A. No.

13 Q. Now which was your participation,
14 if any, on your side to the representations that were
15 made to the Minister and to the Parliament as regards
16 this Bill?

17 A. Well I was not directly concerned
18 by this Bill and may have sent a telegram to my own
19 Deputy at that time.

20 Q. Now I would like to know this from
21 you: which were the points which were of particular
22 concern to you? Which were the problems raised by this
23 new Bill?

24 A. As I said Mr. Brisset I was not, I
25 did not deal with Bill S-3 because I was not on any
26 Board of Directors at that time. If I remember well,
27 the Board of Directors of the Association of Licensed
28 Pilots, Quebec Harbour and Below asked us to make
29 some representations in order that this Bill be
30 withdrawn.



1 French

2 Q. So you established a contact with
3 your Deputy in order that this Bill be withdrawn?

4 A. Yes, without going into any detail.

5 Q. At that time, according to your
6 own knowledge, did you know that it was not -- the
7 matter was not to grant exemption to the ocean-going
8 ships in the Lower St. Lawrence District?

9 A. Well I understood that the Government
10 wanted to grant exemptions in all the St. Lawrence
11 Districts but the power to grant these exemptions was
12 left -- it was the Governor General-in-Council that
13 would be empowered to grant these exemptions.

14 Q. Yes, but you knew that it was the
15 Governor-in-Council which was granted the power to
16 give these exemptions. Did you know that the represent-
17 atives from the Minister said that it was not the
18 intent to grant exemptions to the ocean-going ships?

19 A. No, I did not know of such a
20 declaration, or such a statement.

21 Q. Did you know if the Shipowners of
22 ocean-going ships were looking for exemptions?

23 A. I must say I did not deal directly
24 with these things so I don't know exactly what happened.

25 Q. You told us also that in January
26 1960 or in the early months of 1960 the Federation
27 was concerned with the question of the double tariff
28 in winter?

29 A. Yes. We had a brief on that point
30 which was filed.



1 French

2 Q. Is it not true that in December 1959
3 an Order-in-Council was adopted which granted a winter
4 tariff in the Mid-St. Lawrence District?

5 A. I did know.

6 Q. Well you did know at that time?

7 A. I did know.

8 Q. Well in 1960, early 1960 the Corporation
9 of each District was looking for a raise in the tariff,
10 a revision of the tariff?

11 A. Well the Corporation in my District
12 was looking for a raise in the tariff, yes.

13 Q. Is it not true that all these tariff
14 revisions had the object to raise the income of the
15 pilots in each District?

16 A. I would say to increase or to adjust.

17 Q. You were not looking for a decrease
18 in the income?

19 A. No.

20 Q. You said at that time, in view of
21 these requests from the pilots, that the Shipping
22 Federation had published a little booklet to make
23 some publicity around this; not the Shipping Federation
24 but the Pilots' Federation, that they were trying
25 to do some publicity around their request and you said
26 also that the Shipping Federation had started a press
27 campaign to discredit the pilots?

28 A. Yes.

29 Q. I would like to know if your Feder-
30 ation subscribed to what is called in English the news



1 clipping service?

2 A. I can check, but I didn't know if
3 we had the clipping service at that time.

4 Q. Now do you subscribe to this clipping
5 service?

6 A. Yes.

7 Q. Since when?

8 A. I cannot give you the exact date
9 but we have subscribed since the start of the Royal
10 Commission. Now we have taken again that clipping
11 service but there has been a lapse of time during
12 which we were not subscribing.

13 Q. Can you substantiate the statement
14 you made that the Shipping Federation in March 1960
15 started a press campaign against the pilots?

16 A. Well I could show press clippings
17 to that effect; part of the pamphlet was reproduced
18 where it was -- well the impression was given to the
19 public that the income of the pilots was very much
20 higher than (end of translation) . . .

21 Q. You said that you have some press
22 clippings and you have kept these clippings, I
23 imagine?

24 A. Yes.

25 Q. Could you show these to us?

26
27 -

28
29
30 -



RPS 1 French
2 MR. LALONDE: My lord, ~~are~~ we are going
3 to bring all these press clippings from 1962 and 1963
4 for all the press in the country?

5 MR. BRISSET: Q. Mr. Bedard ~~stated~~ a
6 press campaign had been started by the Shipping
7 Federation after the publication of the pamphlet, so
8 it would be something showing that press campaign
9 around March, 1960. I am turning back to the problem
10 which was raised in 1960 of the Kingston, Montreal
11 Districts. If my memory serves me right I would
12 like to know if the problem was solved at the end
13 of 1960 and the District was split into sections?

14 A. The problem was solved in October,
15 1960 when we proposed mandatory payment of pilotage
16 dues from Cornwall to Montreal.

17 Q. In order to do so it was necessary
18 to split the District into sections?

19 A. Yes, I believe so.

20 Q. And the section, Montreal/Cornwall
21 had the mandatory payment of the pilotage dues?

22 A. Yes.

23 Q. And the upper section was falling
24 under the legislation applying to the Great Lakes?

25 A. Yes, that is so.

26 Q. Is it not true that once a By-Law
27 had been granted splitting the District in two sections
28 that the pilots at that time didn't want to put it
29 immediately into effect?

30 A. I don't know, and Mr. Brisset, you



1 French

2 should ask of the pilots of the District.

3 Q. You know nothing about the problem
4 which was raised after the splitting of the District
5 into two?

6 A. Well, I could refresh my memory.
7 For the present time I don't remember.

8 Q. What I want to say is this, after the
9 Government divided the District in two sections, wanted
10 to keep the piloting all the way through in the
11 District and didn't want to recognize it immediately,
12 the subdivision, the splitting in two?

13 A. I am not in a position to answer
14 this.

15 Q. You told us at the end of 1960
16 you were discussing with the Minister and at that time
17 it was the Honourable Mr. Hees, and that you knew
18 only of the nomination of Mr. Balcer only two days
19 before the work stoppage?

20 A. Yes, we learned about the nomination
21 of Mr. Balcer from the press.

22 Q. When you learned of this nomination
23 of the new Minister didn't you believe that it would
24 have been more reasonable to postpone the ultimatum?

25 A. No.

26 Q. Didn't you think that the fact that
27 the Minister was new to his post was giving some
28 effect to the ultimatum?

29 A. Maybe, I don't know. To explain
30 the situation -- you have the Ministry and you have the



1 French

2 civil servants under him having studied the problem.
3 It was impossible for the Minister even for two or
4 three years -- he could have discussed the problem
5 with his own civil servants.

6 Q. So you believe that the Minister
7 is much too busy to take care himself of all of these
8 pilotage problems which in the framework of his job
9 he is boss and they are minor problems?

10 A. Yes, certainly.

11 Q. Could you explain then the visits
12 by pilots to the offices of the Minister himself?

13 A. Well, the situation having become
14 more tragic we had to see the Minister himself because
15 we know -- in that way to see the Official Authority
16 in such a case and the Official Authority in such
17 case is the Minister himself.

18 Q. As a last recourse you went to see
19 the Minister himself?

20 A. Yes.

21 Q. Is it not true for all the problems,
22 according to the events, that you had to see the
23 Minister himself because it was always the last recourse?

24 A. Well, the Minister has authority
25 for the pilotage. He can delegate his authority to
26 some of his civil servants if he wishes.

27 Q. Mr. Bedard you mentioned the campaign
28 as regards Bill C-80. Could you explain to us which
29 was the interest of the pilots of the Montreal, rather
30 Cornwall and below, which was the interest and how come



1 French

2 this By-Law was of any interest for those pilots?

3 A. Well, I believe it was rather the
4 pilots of Cornwall and above which were concerned.

5 Q. In other words the pilots for
6 Cornwall and below weren't concerned by Bill C-80?

7 A. No, I don't believe so.

8 MR. LALONDE: Maybe you should show a
9 copy of the Bill to the witness at least so he can
10 see it?

11 MR. BRISSET: Q. Mr. Bedard, have you
12 looked at Bill C-80?

13 A. Yes, quite rapidly.

14 Q. Is it not true that everything that
15 is mentioned by Bill C-80 is a system of the
16 compulsory pilotage system?

17 A. That is right.

18 Q. Above Cornwall?

19 A. Exactly.

20 Q. So what would be the interest of
21 the Federation in that Bill at that time?

22 A. Bill C-80 affects one Pilotage
23 District which is a member of the Federation of the
24 St. Lawrence Pilots.

25 Q. Which one?

26 A. The Corporation of the Upper St.
27 Lawrence Pilots.

28 Q. Do you think that the Corporation
29 of the Upper St. Lawrence Pilots had been established
30 in July 1960?



1 French

2 A. No, not in July, 1960.

3 Q. It wasn't in existence then?:

4 A. No, for the Corporation of
5 Pilots of the St. Lawrence, Kingston Ottawa.

6 Q. Is it not a fact that this was
7 purely a problem which had local interest? You said
8 you had been interested, that is the Federation, in
9 Bill C-80, so I would like to find out what has
10 been the interest of the Federation towards Bill C-80?

11 MR. LALONDE: Well, we are still discussing
12 an argument to find out if Bill C-80 offered a general
13 interest or local interest. Upon reading this Bill C-80
14 which is now law we are wondering if it has to do
15 only with the Great Lakes or if there are certain
16 general principles involved in this Bill that are of
17 general interest to the pilots of the St. Lawrence.

18 THE CHAIRMAN: That is exactly what
19 Mr. Brisset means to find out beforehand, and in
20 two cases the witness mentioned where there were
21 matters of general interest where they were threatened
22 so this is actually what Mr. Brisset is trying to
23 find out there.

24 MR. LALONDE: I would like to find out
25 from the witness if there were some general interests
26 that were threatened, but it only upon reading this
27 Bill C-80 that ~~will we~~ find out if there is some
28 compulsory pilotage and if the limits of it are
29 indicated and so forth.

30 MR. BRISSET: Q. Insofar as the Federation



1 French

2 was concerned were there any interests of the pilots
3 that were being threatened by this legislation, natur-
4 ally I am talking about Bill C-80?

5 A. Well, new legislation which is
6 introduced may represent many -- have many aspects
7 for pilots either on a local basis or general basis
8 and it is the duty of the Federation to protect the
9 interests of its members and, as I stated on a general
10 basis, and not on a local basis. Perhaps it is only
11 on an information basis. I don't know that the
12 representations at that time were so strong either
13 from the Corporation or from the Federation but on
14 the basis of information, well, the Federation deemed
15 it useful to study that Bill and I don't recall what
16 representations have been made, but if such represent-
17 ations have been made they weren't very strong ones.

18 Q. In other words this wasn't a matter
19 of vital interest as we were led to believe insofar
20 as Bill S-3 was in the interests of pilots?

21 A. No. The Bill that we -- before
22 it being introduced we didn't know about that Bill.
23 For example, when Bill S-3 was introduced we didn't
24 know about that Bill. For example, when Bill S-3 was
25 introduced, well then, we were greatly surprised and
26 then insofar as Bill C-80 was concerned, well, we
27 just followed the statements to see if Bill C-80 would
28 threaten the interests of the pilots.

29 Q. I pass now to Bill C-98 and if I
30 understand this legislation was adopted even before



1 French

2 the Federation had heard about it; is that correct?

3 If I understood your evidence it is?

4 A. No, not adopted, perhaps I mentioned
5 the first reading.

6 Q. Did the Federation make any
7 representations to the Committees which studied that
8 legislation?

9 A. Yes, you will see in the minutes
10 of the Committee that the legal adviser both for
11 the Federation and for the pilots have protested before
12 they didn't have enough time in order to prepare
13 something in writing and evidence had to be oral
14 and we were notified only a few days in advance and
15 we have been informed about it only a few days in
16 advance.

17 Q. The point which interested the
18 pilots in this legislation, Mr. Bedard, is it not a
19 fact that this point had to do simply with one
20 Section?

21 A. Section 15.

22 Q. Section 15 which amended Section
23 346 of The Canada Shipping Act in order to allow the
24 lakers to go to Montreal through the Great Lakes
25 without having to have a pilot; is that correct?

26 A. Yes.

27 Q. This applied both for American
28 and Canadian ships?

29 A. Well, I can't give you many details
30 about that, but I recall very well that upon the sub-



1 French

2 mission of the Bill it was mentioned it wasn't neces-
3 sary to include the words "Canadian ships" in the
4 Bill because they were already exempted.

5 Q. You knew when this Bill was presented
6 that the Canadian lakers were exempt from the hiring
7 of pilots to Montreal coming through the Great Lakes?

8 A. Yes.

9 Q. Were you against such exemption?

10 A. There was no mention of that at
11 that time because the Bill provided for the exemption
12 of American lakers and we were against such an
13 exemption.

14 Q. For what reason are you against
15 the exemption of American lakers as you weren't against
16 the exemption for Canadian vessels?

17 A. Well, nobody says that we weren't
18 against the exemption of Canadian lakers. I never
19 expressed that opinion, that we were not against it.

20 Q. So you personally are opposed to
21 exemption of pilotage against any lakers whatever
22 their nationality?

23 A. Yes, that is correct.

24 Q. Bound to Montreal?

25 A. Yes, that is correct.

26 Q. Do you think, Mr. Bedard, if lakers,
27 American lakers, between Cornwall and Montreal had
28 to hire a Canadian pilot in order to meet the
29 regulations of Canadian By-Laws there wouldn't be a
30 great possibility that Canadian lakers in American



1 French

2 waters of the Great Lakes, let us say the Detroit
3 River of St. Clair River would be forced by American
4 pilots in turn to hire American pilots?

5 A. Mr. Brisset, this is completely
6 outside the Great Lakes Basin. The District from
7 Cornwall to Montreal is strictly a Canadian District
8 whilst when you go on the Great Lakes, well then, you
9 are in another entirely different legislation which
10 is the legislation governing the Great Lakes.

11 Q. In other words the impact of what
12 you advocate, the impact that may exist in the waters
13 of the Great Lakes don't concern you?

14 MR. LALONDE: The witness never said that.
15 He said that the legislation provides only a definition
16 of what has gone on in the Great Lakes Basin and the
17 minutes of the Committees of the Railways and
18 Telegraph well debating the decision taken at the time
19 and the St. Lawrence River Pilots at that time -- the
20 witness may discuss that with the counsel because the
21 whole point was discussed and perhaps it will be
22 discussed again upon the termination of our witness,
23 but in order to find out if the American lakers should
24 be exempted below Cornwall in exchange for the possible
25 exemption of Canadian vessels in the Great Lakes --
26 the witness simply stated that the Cornwall District
27 is outside of the Great Lakes Basin is defined by
28 Section 600 of The Canada Shipping Act.

29 THE CHAIRMAN: Counsel was trying to reach
30 the decision whether the witness was concerned about it,



1 French

2 the Federation was concerned with the problem.

3 THE WITNESS: Could you please ask your
4 question again fully?

5 MR. BRISSET: Q. I was asking you that
6 if by advocating that American lakers should hire
7 pilots between Montreal then the Federation was
8 taking into account the possible impact that such a
9 policy might have with regard to Canadian lakers
10 navigating in American waters in the Great Lakes.

11 A. No.

12 MR. LALONDE: Your lordship, I would like
13 to ask that there be filed before the Commission
14 the debate between the Committee of the Railways and
15 Telegraph. I remember that I had asked if the
16 Department could bring forth any document that would
17 substantiate the assertion of Mr. Brisset and I
18 remember at the time, not only were there no documents
19 on that subject, but no oral conversations about it.

20 THE CHAIRMAN: If you want to elucidate
21 this point further you may produce those documents
22 you spoke of.

23 MR. BRISSET: Your lordship, I am reaching
24 the year 1962. It is especially to these events that
25 I would like to delay the cross-examination of this
26 witness as I didn't have the opportunity of discussing
27 these events with my clients.

28 THE CHAIRMAN: Under the present circum-
29 stances we are going to adjourn until 2:30 this
30 afternoon. I would like to ask counsel to reach an



1 French

2 agreement in order to find witnesses. We are
3 going to adjourn the cross-examination of Mr. Brisset
4 for the events that took place in 1962 and, perhaps,
5 other counsel will have questions to ask about that.
6 Mr. Bedard, you will be here at 2:30 in order to
7 finish your evidence.

8
9 ---LUNCHEON ADJOURNMENT.

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/RPS 1 French

2 ---ON RESUMING AT 2:30 P.M.

3
4 CROSS-EXAMINATION BY MR. JACQUES:

5
6 Q. Mr. Bedard this morning you talked
7 about the delegation of authority from the Minister to
8 the officers of his Ministry?

9 A. Yes.

10 Q. Do you remember that?

11 A. Yes.

12 Q. Could you explain to us in a little
13 more detail what you meant by delegation of authority?

14 A. The Ministry is the Pilotage Authority.
15 He can delegate to his employees a number of responsib-
16 ilites and administrative functions. I could give
17 you an idea by taking the local situation and going up
18 as far as the Minister himself. First, locally you
19 have the Supervisor who is responsible to the Regional
20 Superintendent who is himself responsible to the National
21 Superintendent of Pilotage who is, in turn, responsible
22 to Mr. Slocombe, maybe. I think Mr. Slocombe is
23 responsible to Mr. Cumyn and then Mr. Cumyn is responsible
24 to the Deputy Minister and the Deputy Minister is
25 responsible to the Minister himself.

26 Q. So this is the chain of authority as
27 you see it?

28 A. Yes.

29 Q. Did it occur that any man in this
30 line of authority has taken a decision?



1 French

2 A. Without any doubt we received letters
3 including the decisions.. They are signed by one of
4 his officers of the Minister. Now if the officer
5 signing -- I don't know if he is the one taking the
6 decision.

7 Q. Yes, but you received the decision
8 which seemed to have been taken by one of the intermed-
9 iary officers in the line of authority?

10 A. Yes, especially in the Corporation
11 level.

12 Q. What do you mean by "Corporation level"?

13 A. I mean for the local Corporations.
14 They are the ones that make representations at certain
15 levels so the exchange of letters are between the
16 local Authority and the Corporation.

17 Q. This kind of decision, could you give
18 us a few examples?

19 A. Well in the Quebec District there
20 is a problem. This is discussed, the additional demands
21 of the pilots. These demands have been rejected by
22 a number of subordinate officers.

23 Q. Or the Deputy Minister?

24 A. Yes.

25 Q. What is the position taken by the
26 Corporation in front of such a decision?

27 A. I think maybe the President could
28 answer better than myself. We are still studying the
29 problem and there is an exchange of correspondence.

30 Q. Well when you happen to be aware of the



1 French

2 decision that is taken, have you tried to make any
3 representation at the higher echelon?

4 A. Yes, maybe. I think so.

5 Q. But would it be more correct to say
6 that the pilots do not consider as final any decision
7 taken by the subordinate officer, if they think this
8 decision is not good for them?

9 A. No, not exactly. All depends on the
10 importance that the pilots attach to such a decision.

11 Q. Could you give us examples on a
12 matter which would have been considered as final by
13 the Corporation?

14 THE CHAIRMAN: Even if the decision was not
15 the one requested.

16 MR. JACQUES: Of course, if you are granted
17 what you request, there is no question of putting it
18 to a higher level.

19 A. Well nothing comes to my mind but,
20 well, taken Bill C-98, well we made representations,
21 very strong representations against the Article 15 of
22 such Bill 98, and finally the Bill was adopted and
23 what happened is that we accepted the decision, in spite
24 of the fact we thought it was against the good interests
25 of the pilots and the Maritime section.

26 Q. I want to stop you here. I don't
27 think that Bill C-98 was a decision of the subordinate
28 officer of the D.O.T.?

29 A. No.

30 Q. Could you make inquiries, or ask your



1 French

2 colleagues to remind you of such cases?

3 A. Yes.

4 Q. You mentioned also that you would like
5 to see a system, according to which the parties could
6 meet. Is that right?

7 A. That is true, yes.

8 Q. Is there any such system today?

9 A. No. The present system is a system
10 according to which there is a meeting with four parties.
11 There is the D.O.T., the Shipping Federation of
12 Canada -- and these meetings, in spite of the fact that
13 they are prepared in advance by the pilots, because they
14 send written requests, do not bring any counter-proposals
15 from the Shipping Federation to the pilots so nothing
16 in writing -- I don't know if the Minister would receive
17 such, anyways, but we do not receive any. When we
18 had these meetings in the winter, it was not, in my
19 opinion, a good start to have an agreement because at
20 that time you had some higher civil servants of the
21 D.O.T. You have maybe 20 people with the Shipping
22 Federation and in such infrequent meeting, with such
23 a strict formality, I don't think it is very difficult
24 to come to an agreement, a final agreement on such
25 points.

26 Q. Now when you mention a system where
27 the parties could meet, what do you have in mind?

28 A. In our brief. What we propose in the
29 brief. I can elaborate on it later on when we come
30 to the general recommendations, if you want.



1 French

2 Q. Now in Exhibit 756 there is a letter
3 of September 2nd 1960 addressed to the Honourable George
4 Hees by the President of the Pilots' Federation.
5 I would like to know if this letter is a follow-up to
6 the brief filed under No. 754?

7 A. Yes.

8 Q. In this brief filed under No. 754,
9 you make the history of the members of the Federation
10 of the St. Lawrence Pilots and you give an outline of
11 a number of problems which occurred and for each of
12 these problems I would like you to explain to us when
13 they were brought to the attention of the Minister.
14 The first problem is the following:

15 "Foreign pilots working in Canadian
16 waters."

17 (THROUGH THE INTERPRETER.)

18 A. Mr. Jacques, it would be difficult
19 for me to explain when exactly we started submitting
20 these problems to the Government authority, either
21 locally or Ottawa because these problems started, most
22 of them at the level of the Corporations and then
23 were referred to the Federation.

24 Q. Could we know since when the problem
25 of foreign pilots in Canadian waters existed or since
26 when the pilots are complaining about it?

27 A. Yes, I could tell you. Do you want
28 an answer now?

29 THE CHAIRMAN: Maybe the Cornwall pilots
30 could give us this information.



1 French

2 MR. JACQUES: Well I will leave this to
3 the discretion of my learned colleagues. It is up to
4 them to answer that question.

5 THE CHAIRMAN: I think this happened in the
6 Cornwall District so we will have a competent witness
7 at that time.

8 MR. JACQUES: Yes, but as the brief has
9 been submitted by the witness, he may have been able
10 to answer this question.

11 Q. When you raised this problem with the
12 Pilotage Authority, did you consult you local adviser
13 on the measures that could be taken against these
14 pilots?

15 A. Yes.

16 Q Did you obtain advice on the necessary
17 proof to obtain a judgment?

18 A. I don't know what you mean by
19 advice, but I was given an idea of what kind of proof
20 we would need to file a suit against such pilots.

21 Q. Now after the pilots have been
22 advised by the Minister on such matters, have you been
23 advised by your local adviser about what things --
24 that the pilots themselves could, if they would feel
25 it appropriate, file complaints against these
26 pirate pilots?

27 A. No, not at the Federation level.
28 Maybe at the local level but not at the Federation
29 level.

30 Q. The second problem which is raised in



1 French

2 your brief is the following:

3 "Representatives of the shipping

4 "industry to sit on the Examination Board

5 "for admission to the study and practice

6 "of pilotage."

7 (THROUGH THE INTERPRETER.)

8 When was this raised, do you remember?

9 A. In 1960. Maybe before. If it is
10 before, it is before my time, so since I am in the
11 administration this was always a problem.

12 Q. You are in the administration since
13 1960?

14 A. Yes.

15 Q. This problem was resolved, I imagine,
16 to the pilots' satisfaction?

17 A. Yes, but in the brief from the
18 Shipping Federation I see that they still would like
19 to sit on this Examining Committee.

20 Q. Yes, but the Pilotage Authority
21 has already taken a decision here.

22 A. Well I believe that if you read the
23 letter from the Minister on this subject you could
24 see exactly what he says.

25 Q. Do you remember the date of such a
26 letter? My lord, I am being requested to read an
27 extract of Exhibit 756. That is to say a letter of
28 September 9th 1960 sent by the Honourable George Hees
29 to Captain Paul Bailly, President of the Pilots'
30 Federation and I am reading on page 2 of the English



French

Text:

English
"With respect to item (b), namely
"the inclusion of a representative of the
"shipping industry on the examining board
"for admission to the study and practice
"of pilotage, I assure you that the
"Department does not intend to allow
"foreign interests in any shape or form
"to gain control or even exercise undue
"influence over pilotage in Canada. It
"is our feeling, however, that in view of the
"heavy financial interest of the ship
"owners in the safe operation of pilotage
"services, it is only fair to give them
"some form of representation on the
"examining board. I appreciate the fear
"of the pilots that inclusion of
"shipping representatives on examining boards
"might take away from the pilots the degree
"of control over admission to the service
"that they have enjoyed in the past. However,
"while it is the wish of the Department that
"the pilots be allowed, to the fullest
"possible extent, to play their part in
"the administration of pilotage, consider-
"ation must also be given to the ship
"industry which is responsible for the
"creation of pilotage traffic. Providing
"the pilot members of the examining board



English

"have ~~a majority~~ it would seem that the interest
"of the pilots would be adequately protected
"and I would be prepared to consider increas-
"ing the number of pilots on the board to four,
"with one representative of the shipping
"industry and two departmental officers."

MR. LALONDE: Obviously my lord the
argument which is attributed to the pilots in this
letter is the one used by the Minister at the time.
The argument of the opposition of the pilots to
this plan appears in the brief before this Commission
and also previous briefs.

(THROUGH THE INTERPRETER.)

MR. JACQUES: My lord, I have the answer
which I put to the witness. That is to say when the
problem of the Examining Boards was settled and I
am referring to a letter of the 18th of October 1960
sent to Mr. Lalonde by the Honourable Leon Balcer.
It is part of Exhibit 756 and I am quoting:

"As far as the examination of
"the candidates is concerned, the Minister
"has withdrawn its proposal according to
"which a representative of the Shipowners
"would have been a member of the examining
"jury, which is a jury composed of the
"members of the Ministry."

Q. Now do you consider that the lapse
of time which occurred between these two letters, is
it an unusual delay for the settlement of this problem?



French

A. When the brief was submitted, there was already a delay so it is along -- you can look at the date, so it is a long delay.

Q. In your brief, paragraph 18:

"A question of vital importance
"was raised following various oral or
"written statements received during recent
"months from the Department officials
"and lately from the Minister of Transport.
"It seems this question is that the
"Department is proposing to give represent-
"ation to Shipowners or their representatives
"on the Boards whose duties are to examine
"candidates to be admitted as students
"of pilotage, as apprentices and finally
"as pilots."

(THROUGH THE INTERPRETER.)

It seems to me that according to the recommendation which has been filed the problem is rather recent?

A. Well from the early days of 1960.

Q. Now in the brief, No. 754, there is another problem which reads:

"Rejection by the Department
"of Transport of the admission
"of pilotage dues necessitated by
"the new system of grading."

(THROUGH THE INTERPRETER.)

Could you with this brief quote to the



1 French

2 Commission the documents which could have included
3 a formal statement from the Pilotage Authority according
4 to which when the system of the special pilots would
5 be abolished and replaced by a system of licences, the
6 pilots would have their tariff adjusted to take into
7 account the loss of income which amounts to \$65,000?

8 A. In the letter which was sent to
9 Captain Gaston Rousseau, President of the Quebec
10 District, which is dated January 25th 1960 and signed
11 by Mr. Baldwin ---

12 Q. What date?

13 A. January 25th 1960. Now to start
14 with it says there has been a discussion between the
15 Minister and the pilots for the suppression of the
16 system of classification of special pilots. The
17 Minister and the pilots were in agreement.

18 Q. In agreement on what?

19 A. To abolish the system of special
20 pilots and replace it with a system of grading, A, B
21 and C rates. The pilots say that if such a system
22 was implemented, the amount would have to be adjusted.

23 Q. Was that before or after the letter
24 of January 25th 1960?

25 A. I believe it was after the letter of
26 January 25th 1960.

27 Q. So there would be something else
28 than the letter?

29 A. Yes.

30 Q. Could you read the part of the letter



1 French

2 which applies?

3 A. "The practice of assigning so-called
4 "special pilots to certain ships was
5 "found undesirable in the Montreal District
6 "and for this reason was abolished in
7 "favour of a grading system with the
8 "piloting of larger vessels being restricted
9 "to pilots of highest grade. At the same
10 "time the tariff of dues in the By-Laws
11 "was adjusted so as to compensate for the
12 "loss of income privately received by
13 "special pilots. This new system has worked
14 "well and the Pilotage Authority looks
15 "with favour upon its extension to your
16 "District."

17 (THROUGH THE INTERPRETER.)

18 Q. Is that something that you considered
19 as a promise to raise the tariff?

20 A. No, it is not a promise to raise
21 the tariff but to adjust it in order that this amount
22 of \$65,000 which was paid into the Montreal pilots
23 would be ~~not~~ included in the tariff instead of being
24 paid directly from the Shipowners to the individual
25 pilots.

26 Q. So for practical purposes the
27 figures would have been raised, the figures included
28 in the rules and regulations would have been included
29 but this paragraph that you just read, is it a
30 paragraph that you considered as being a promise to



1 French

2 modify the tariff?

3 A. Yes, certainly. This is in addition
4 to the calculation that was made later on with the
5 representative of the Minister and of the Quebec
6 District to raise the tariff.

7 Q. Now it appears that this increase
8 in the tariff was not granted?

9 A. Not at that time.

10 Q. When the problem of pilots' grading
11 was implemented, did you know that it was not the
12 intention of the Pilotage Authority to increase the
13 tariff to cover the loss of income of \$65,000?

14 A. I would have to check the exchange
15 of letters to verify the -- see the dates. I don't
16 think we have this here. On March 25th, the same year,
17 Captain Rousseau has received from Mr. Baldwin a
18 letter which mentions that the request regarding the
19 tariff was set aside and explaining why such a request
20 of \$65,000 was not granted.

21 Q. Was the new system of grading
22 implemented at that time?

23 A. No, I don't believe so. I think
24 the new grading system was implemented in April.

25 Q. So when you were informed by the
26 Minister that your request was not granted, the
27 system was not implemented?

28 A. All depends the time it took the
29 letter to reach Quebec. It was dated March 25th, so
30 it's about the same time.



1 French

2 THE CHAIRMAN: What do you mean by
3 "implemented"?

4 MR. JACQUES: I mean included in the
5 regulations of the Pilotage Authority.

6 THE CHAIRMAN: Well it may have been in
7 the rules for a number of months but not enforced.

8 THE WITNESS: Well in the early days of
9 April the pilots were nominated to Class A and the
10 payments were received a few weeks later.

11 Q. When?

12 A. I think you should ask this question
13 to Mr. Rousseau. He is the one concerned, directly
14 concerned and he could answer better than I could.

15 -

16 -

17 -



B/RPS 1 French

2 MR. LALONDE: My learned colleague had
3 said that this could have been found in the
4 regulations. Referring to CP1960-756 for June 2nd,
5 1960, general regulations for the Quebec District
6 so this seems the system ~~was~~ adopted on the 2nd of June,
7 1960. I would like to know if it has been enforced
8 before it was adopted or after?

9 MR. JACQUES: The modifications were
10 made on May 13th, 1960 by the Minister as Pilotage
11 Authority and the modifications were approved on the
12 2nd of June, 1960 by the Order-in-Council as shown
13 by the letter sent by Mr. Baldwin to Mr. Rousseau
14 to which you referred, 30th of May, 1960. Were there
15 any negotiations between the Federation and the D.O.T.?

16 A. No, not at the Federation level.
17 Could you repeat the dates?

18 Q. Between the date of your letter
19 from Mr. Baldwin to Mr. Rousseau to which you referred, and
20 the 30th of May, 1960?

21 A. No, not at the level of the
22 Federation.

23 Q. When you learned that this \$65,000
24 wouldn't be granted to you did the Corporation make
25 any representations to the Federation?

26 A. In the spring of 1960 the Board
27 of Directors as a whole of all member Corporations
28 came to Montreal. We had a meeting and after that
29 meeting of the different Boards of Directors different
30 problems which hadn't been settled as yet were



1 French

2 submitted to the Federation in order that the former --
3 that the latter would submit briefs. The brief was
4 dated June 7th, 1960.

5 Q. And this brief was submitted after amendments
6 were brought up between the letter of March 25, 1960
7 which was sent to President Rousseau and which was
8 sent by the D.O.T. on May 30th -- during that time
9 the Federation did nothing about this matter of special
10 pilots?

11 A. No.

12 Q. Would the Federation have received
13 representations from its members, members of the
14 Corporation of Lower St. Lawrence Pilots -- if the
15 Federation would have received representations from
16 the independent members, from a Corporation or for
17 that matter from the Corporation of Pilots in the
18 Quebec District.

19 A. If we had independent briefs from
20 members of the Federation we would have transmitted
21 it to the Board of Directors of the Corporation of
22 Lower St. Lawrence Pilots in the Quebec District.

23 Q. So the Corporation made no
24 representations to the Federation?

25 A. No, the representations were
26 brought forth and we wanted to submit that brief and
27 it is at that time we made a request that this be
28 inserted in the brief.

29 Q. Insofar as the Federation was
30 concerned there was nothing?



1 French

2 A. No.

3 Q. Now, in your brief on page 18,
4 paragraph 29 and I quote:

5 "The Department was, in fact,
6 "prepared to undoubtedly reduce the
7 "yearly earnings of each pilot by about
8 "\$1,000".

9 We refer later to March 6th, 1960.

10 Could you please explain to us how come the earnings
11 of each of your pilots would have been decreased to
12 the extent of \$1,000?

13 A. Did you mention earnings?

14 Q. The yearly earnings of each pilot.
15 It is mentioned the yearly earnings of each pilot.

16 A. At the time the pilots had figured
17 that this amount of \$65,000 was being paid as a bonus.

18 Q. Was that paid to all the pilots?

19 A. No, only to half of the pilots.

20 Q. So this figure of \$1,000 would have
21 applied to all pilots or half of the pilots?

22 A. This was would approximately
23 \$1,000 per pilot and at the time within the Quebec
24 District I think there were 73 or 75 pilots so this
25 represented about \$1,000 per pilot.

26 Q. In fact this amount of \$65,000 which
27 was income from half of the pilots would become
28 the income of all the pilots?

29 A. That is correct.

30 Q. That is half of the pilots losing part



1 French

2 of the income while the other half of the pilots
3 were gaining this additional amount?

4 A. That is correct.

5 Q. Item D of your brief is entitled
6 as follows . . .

7 A. Excuse me, Mr. Jacques, I stated
8 that no pilot had written concerning that subject,
9 but I would like to make an exception and I would
10 like to have my answer with the regulation that I
11 would like to check up the records of the Federation
12 and give you a definite answer tomorrow.

13 Q. Certainly. Item D, Insufficient
14 Pilotage Dues in the Harbour of Montreal. This is
15 a problem which was raised in the year 1960. When
16 was that problem settled to your satisfaction?

17 A. Well, the Federation inserted that
18 problem in its brief in the month of June and in
19 October, 1960 the Montreal pilots obtained the
20 increase in the tariff.

21 Q. Do you consider that this delay
22 was too long or took too long to settle that problem?

23 A. Well we say that the member
24 Corporation had been studying that problem ever since
25 the beginning of the year.

26 Q. I have been shown a paragraph in
27 a letter of the Minister, his letter of 18th October,
28 1960, insofar as the movages in the Montreal Harbour
29 are concerned I also mention that we would believe
30 it would be a good idea to be in a position of having



1 French

2 an increase within a fortnight. The officers of the
3 Department will start discussions on that matter
4 with representatives of pilots.

5 A. That is correct.

6 Q. Here you are referring to this
7 question -- later discussions but, in fact, when did
8 you receive the approval about this increase in
9 tariff?

10 A. Well, that was during the winter
11 of 1960, 1961 or the late fall, 1960.

12 Q. Could you please check that?

13 MR. LALONDE: If you want to check in
14 the files you will find the exact date.

15 MR. JACQUES: Q. When were you advised
16 by the Minister that such an increase was being
17 granted to you?

18 A. In the month of October, 1960.

19 Q. Item E Undue Delays in the
20 Collection of Pilotage Dues, and in your brief in
21 paragraph 34 on page 25 you allege that there are
22 arrears of more than \$30,000. This is the brief
23 from the Federation. Could you tell me if those
24 are arrears for all member Corporation or only a
25 few of them?

26 A. I think that those arrears were
27 for all the member Corporations.

28 Q. Do you remember the details or the
29 breakdown of such arrears?

30 A. They are not indicated therein?



1 French

2 What is the date, Mr. Jacques?

3 Q. Referring to the end of April, 1960.

4 A. I have a list. In the Montreal
5 Pilotage District outstanding pilotage accounts for
6 the year December of 1959 -- this was to the amount
7 of \$5,000 to the end of March, 1959. I have another
8 one for the St. Lawrence, Kingston, Ottawa District
9 which is to the amount of \$5,763 and I have another
10 one here for the Montreal Harbour, \$964, and there
11 are still others, doubtless, which are for the other
12 Corporations, that is the Corporation of Lower St.
13 Lawrence Pilots. For the year 1959 -- if 1959
14 doesn't answer your question well the Montreal
15 Regional Office of the D.O.T. could certainly give
16 you the accurate figures for the different Districts.

17 Q. Naturally there are certain dates
18 in order to figure out these arrears. Have you also
19 included those in those the outstanding accounts that
20 were being delayed on account of red tape or have
21 you considered as arrears within this \$30,000 advances
22 to those which would have been sent out to companies
23 like Plaid Shipping that I think has gone bankrupt.

24 A. I think these accounts have been
25 outstanding for a little while.

26 Q. Do you remember how long?

27 A. Certainly outstanding for more than
28 30 days.

29 Q. Prior to your brief of June have
30 you had complaints to the authorities because of such



1 French
2 delays?

3 A. Yes, oftentimes.

4 Q. Were these complaints made in
5 writing?

6 A. By each local Corporation because
7 this was a question which was regarding, which was
8 often raised at each meeting of the Board of Directors
9 of the Federation.

10 Q. With the exception of these delays
11 do you consider that the D.O.T. were doing a good
12 job of collecting pilotage dues?

13 A. At that time the member Corporations
14 weren't satisfied because certain accounts remained
15 outstanding for too long according to our member
16 Corporations.

17 Q. These member Corporations -- could
18 these member Corporations recall cases where accounts
19 would have been outstanding for more than 30 days
20 on account of duty?

21 A. Well, the D.O.T. had responsibility
22 of doing the collections of these pilotage dues and
23 still has.

24 Q. Did you ever make a request to
25 make your own collections?

26 A. Yes, we thought about it.

27 Q. Did you communicate with the
28 Pilotage Authority about that subject?

29 A. Perhaps orally at that time, but
30 we make our suggestion in writing at the present time.



1 French

2 This is a suggestion that is included in our brief.

3 Q. I mean aside from your brief were
4 there any suggestions?

5 A. Only oral suggestions, to my knowledge.

6 Q. That is through the Federation or the
7 Corporations?

8 A. Orally by officers of the Federation
9 or the particular Corporation.

10 Q. What kind of reaction would you get
11 to that suggestion?

12 A. Well, this was the type of small
13 threat or small teasing and so forth that we just made --
14 if you can't do the collections we are going to do it
15 ourselves.

16 Q. In other words this request wasn't
17 a serious one?

18 A. No.

19 Q. Does it happen often that you make
20 requests that are not too serious like the one you just
21 mentioned?

22 (THE INTERPRETER: There doesn't appear to
23 be an answer.)

24 THE WITNESS: For the record purposes I have
25 another document here dated February 1st, 1961 for
26 accounts due for the Quebec operations. It is more
27 approximately the date you wish to have.

28 Q. I prefer to obtain the documents that
29 would be used for the basis of figuring out this amount
30 of \$30,000?



French

Paragraph 40, sub-Section A of your brief:

"By letter dated March 25th, 1960
"the Deputy Minister of Transport informed
"the President of the Corporation of
"Pilots for the Montreal, Kingston District
"that the Pilotage Authority had decided
"to grant three per cent. increase in the
"tariffs of pilotage dues. When the season
"of navigation opened that increase wasn't
"inforced. At the time this brief was
"first drafted, that is May 20th, it wasn't
"yet applied".

When you first discussed this increase was
any mention made about the special date at which this
increase in tariff would be enforced?

A. Generally speaking the increase in
tariffs are always said to be the beginning of the
navigation system, but according to my own memory I
think it would be after the beginning of the navigation
season.

Q. You don't remember if there was a
definite date that has been set or if it had been set
it will be implemented at the beginning of the season?

A. No.

Q. I would like to refer you once more
to the letter dated September 2nd, 1960 addressed to
Mr. Hees and signed by Mr. Bailley and the last paragraph
which reads as follows:

Since none of the above requests seem



1 French

2 "to have received any satisfactory concern

BB2 3 "by your Department the Federation feels

4 "that it is its duty to call in the near

5 "future a general assembly of its members

6 "in order to make to them a full report on

7 "the present situation and consider what

8 "further steps should be taken in that

9 "regard".

10 Is it correct to interpret this paragraph
11 as a kind of threat of work stoppage?

12 A. The consequence of a general assembly
13 of members, maybe of delegate members or a meeting of
14 pilots -- everything depends on your viewpoint.

15 Q. I would like you to explain it to me
16 because I don't know how to interpret it.

17 A. Could I see the English text of the
18 By-Laws?

19 MR. LALONDE: The main aspect of the question
20 was that the Minister know about it.

21 THE WITNESS: Exhibit 751.

22 THE CHAIRMAN: The Commission wants to know
23 what it meant in that letter or it meant according to
24 the By-Laws?

25 MR. JACQUES: Well, what it meant in the
26 letter, your lordship.

27 THE WITNESS: This meant there would be
28 a general assembly of all its members and in direct
29 consequence this would be the equivalent of a work
30 stoppage.



1 French

2 MR. JACQUES: Q. In rebuttal to the brief
3 submitted by the Shipping Federation on December 14th,
4 the rebuttal is Exhibit 757 dated July 12th, 1961, page
5 4, paragraph 1. I read as follows:

6 "In our opinion the Shipping Federation
7 "adopts the proper approach by putting the
8 "question in the following terms: the cost
9 "of the pilotage services to the users thereof".
10 And here is what follows:

11 "What is of public concern is that no
12 "inflationary pressure of cost should be in
13 "the field of shipping price our goods out
14 "of the world market and undoubtedly increase
15 "the cost of our imports. With that
16 "proposition we assume that all responsible
17 "men will agree." Is that a statement that
18 the Federation still considers as being
19 valid today?

20 Q
21 A. Yes, /And considers the cost of pilotage
22 may the affect to the commercial export and import in
23 Canada.

24 A. Well, to a certain extent. For example
25 the cost of pilotage which would be so many dollars per
26 pound on merchandise export well then would be an
27 important facet to be considered.

28 Q. Now, Mr. Bedard, I would like to refer
29 to your rebuttal to the brief of Dominion Marine Association's
30 brief dated December 20th, the rebuttal dated May 12th,
1961. I would like to quote a extract from their brief:



English

"The problem is one of safety and we
"respectfully submit that the introduction
"of the principle of the optional payment
"of pilotage dues (which in practice is
"equivalent to optional pilotage) completely
"disregards the safety requirements of
"contemporary shipping on the St. Lawrence
"River. The mere notion that the master
"of a ship should be left to himself to
"decide whether or not he should employ a pilot
"is completely out of relation with shipping
"conditions on restricted waters like those
"of the St. Lawrence River.

"This point has been clearly set out
"by the Canadian Merchant Service Guild
"(Eastern Branch Division) which at its
"last annual general meeting, on March 22,
"1961, adopted the following resolution,
"which was sent to the Minister of Transport:

"'WHEREAS a brief has been submitted by
"the Dominion Marine Association to the
"Minister of Transport requesting
"exemption from the compulsory payment
"of pilotage dues on the St. Lawrence
"River;

"'WHEREAS the granting of such exemptions
"would constitute a serious threat to the
"security of navigation on the St.
"Lawrence River;



English

"'WHEREAS such exemption would endanger
"not only shipping generally, but also
"the harbour installations and the
"communities living along the River shore;

"'WHEREAS such exemption would increase
"the risk of accidents which might result
"in losses of life and damages amounting
"to millions of dollars;

"'WHEREAS the traffic on the St. Lawr-
"ence River has substantially increased;

"'WHEREAS the dimensions and speed of
"ships have also increased;

"'WHEREAS navigation by night has become
"more and more frequent;

"'WHEREAS the shipping season is becom-
"ing longer and longer on the St.
"Lawrence River;

"'WHEREAS this is no time for the
"relaxation of safety measures on the
"St. Lawrence River, but on the
"contrary these safety measures should
"be tightened;

"'WHEREAS it is appropriate for all those
"who have at heart the true welfare of
"shipping on the St. Lawrence River and
"of the communities living along the
"River shore to see to it that there should
"be no relaxation in pilotage regulations
"on the River;



1 English

2 "WHEREAS it is appropriate for all
3 "members of the Guild to show a strong
4 "sense of solidarity for the protection
5 "of their interests;

6 "BE IT RESOLVED THAT

7 "All masters and mates, members of the
8 "Canadian Merchant Service Guild (Eastern
9 "Branch Division) will categorically refuse
10 "to fulfill any of the functions which are
11 "now assumed by pilots, members of the
12 "Guild, in Montreal Harbour and below Montreal,
13 "on the St. Lawrence River."
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1 French

2 Was this question raised at meetings of the
3 Guild before this was submitted?

4 A. What is the date of the meeting of the
5 Guild?

6 Q. It would have been held in March, on
7 the 22nd, 1961.

8 A. I wasn't aware when that question
9 was raised, perhaps I was aware a resolution of such
10 a nature would be submitted before it has presented.

11 Q. Was there any connection between the
12 Federation and the Guild at that time?

13 A. No, no connection.

14 Q. Absolutely none?

15 A. Well, the Federation is not a member
16 of the Guild and the Guild is not a member of the
17 Federation but the member Corporations are members of
18 the Guild as well as the Federation.

19 Q. I understand that certain of the members
20 may have reported what was going on within the Federation.
21 What I would like to find out is if the Federation had
22 contacted the Guild and asked the Guild to sort of
23 co-operate with them to raise the question with the D.O.T.

24 A. No, not the Federation as such, perhaps
25 the members did so, on an individual basis.

26 Q. At any other time did the Federation
27 or the Guild reach an agreement in order to sort of
28 present a united front?

29 A. Yes, the Guild and the Federation went
30



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Bedard, cr. ex.
(Jacques)

9255

1 French
2 together in Ottawa in order to discuss this four and a
3 half per cent. That is one particular occasion that
4 comes back to my mind.
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MR/RPS 1 French

2 Was there an agreement? You say that they
3 went together in order to fight this idea of the four
4 and a half per cent but was there any prior agreement for
5 the two organizations to go together and make represent-
6 ations to the Minister to fight against such a measure?

7 A. No, there was no agreement. If I
8 remember correctly the Guild was holding its convention
9 in Montreal when the question of the four and a half
10 per cent was raised and 25 per cent for Saint John
11 New Brunswick and without their being a meeting of the
12 Board of Directors -- I think so. At any rate, I can
13 check it out, but the administrators ---

14 Q. The administrators of what?

15 A. Of the member Corporations, who were
16 delegates and those who were delegates to the Guild,
17 they went with the Guild and went with the members of the
18 Federation in order to make some representations at the
19 same time as the Guild to the Minister.

20 Well if you could give me the date, perhaps
21 I could check in the minutes.

22 Q. I would like to know far more dates than
23 I know at the present time but the documents at times
24 do not give many dates. In Exhibit 757 reference is made
25 to a general annual meeting of March 22nd 1961 and this
26 includes the resolution I read previously insofar as
27 this question of the four and a half per cent for
28 Quebec, or 25 per cent for Saint John New Brunswick.
29 This was in 1962 and that question apparently would have
30 been raised in February or March 1962.



1 French

2 According to the exhibits filed, Exhibit 760,
3 the first reference we have about this four and a half
4 per cent is in the letter dated 15th September 1961 address-
5 sed to Captain Rousseau and sent by Mr. Baldwin,
6 Deputy Minister.

7 A. The organization of the Guild and
8 the Federation are entirely independent, one from the
9 other. I don't remember their having been any other
10 joint negotiations, aside from the ones that were made
11 in relation to this question of the four and a half
12 per cent.

13 Q. In relation to this four and a half
14 per cent you must know that there are certain Districts
15 which pay in part or perhaps the whole cost of admin-
16 istration, using the pilotage income?

17 A. The Districts under the direct aegis
18 of the D.O.T. or of the Commission?

19 Q. Under the aegis of the D.O.T. I think
20 the District of Cornwall-Kingston pays for part of the
21 administration costs?

22 A. That is correct.

23 Q. I believe that earlier in your
24 evidence you said that the administrators of the
25 Federation were not entitled to any reimbursement of
26 a turn?

27 A. Well administrators of the Federation
28 are not entitled to any reimbursement of turns. The
29 President, Vice-President and Secretary are entitled
30 to reimbursement of turns except in other instances where



1 French

2 there would be a resolution of the Board of Directors.

3 Q. So it takes a resolution of the Board
4 of Directors for reimbursement?

5 A. At the present time, the President,
6 Vice-President and Secretary are authorized by resolution
7 to have their turns reimbursed.

8 Q. But for the administrator it takes
9 a special resolution?

10 A. Yes, I believe so.

11 Q. Could you look at your regulations
12 please?

13 A. Article 13 states that the directors
14 may receive such remuneration or other advantages as
15 the Board of Directors may from time to time determine
16 by resolution unless the general meeting shall otherwise
17 decide.

18 Q. Is this a question which was put to
19 the general assembly?

20 A. Which question?

21 Q. The reimbursement of turns?

22 A. Yes, certainly.

23 Q. How?

24 A. Well by establishing the budget for
25 each year whenever you have turns.

26 Q. You mean in the financial statements?

27 A. Yes, which is submitted to the general
28 assembly. The statement is accepted with turns as they
29 are shown.

30 Q. So you interpret the words "unless the



1 French

2 general meeting shall otherwise decide" as meaning that
3 there is no objection on the part of the member when
4 you present the financial statements?

5 A. Yes, but the members, if they would
6 not accept that the turns be reimbursed, would have to
7 present a resolution to the general assembly to change
8 the regulation.

9 Q. You mentioned the general assembly
10 which includes the active members and the delegate
11 members. In April 1962 ----

12 A. And delegate members?

13 Q. Yes, and delegate members. In April
14 1962 there was a congress with all the active members
15 and delegate members?

16 A. Yes.

17 Q. What is the role of the active member
18 at that congress?

19 A. Purely a consultative function.

20 Q. Could you show us this Section of the
21 Regulations where you give a consultative function to
22 the active member? Article 33?

23 A. Yes, Article 33 states:

24 "Active members of the Federation
25 "may meet in general convention from time
26 "to time upon the decision either of the
27 "General Assembly or of the Board of
28 "Directors. The convention has only a
29 "consultative status. It is otherwise
30 "governed by the same By-Laws of the member



1 French

2 "delegates."

3 Q. When such an Article or regulation
4 has been adopted, did you have in mind the calling of
5 an assembly which would permit a work stoppage?

6 A. No, it never came to my mind.

7 Q. Not before 1962?

8 A. No, not before 1962.

9 Q. You never heard of that system before
10 1962?

11 A. No. Really when we adopted this
12 rule, we never had that in mind.

13 Q. But in 1960 when there were threats
14 of calling an assembly ---

15 A. Yes, we could have said that but they
16 way you framed your question you asked was this regul-
17 ation adopted in case of work stoppage. I would say
18 no.

19 Q. When this rule was discussed, was
20 the possibility of calling an assembly discussed?
21 An assembly which would permit a work stoppage?

22 A. No, certainly not when I was present.
23 Not to my knowledge.

24 Q. Were you there at all assemblies?

25 A. No. I was always present in Quebec
26 but not in the other assemblies.

27 Q. As far as you are aware, how many
28 times in the written form or oral form to the Shipowners
29 or the Pilotage Authority was mentioned the fact that
30 if a request was not granted, a general assembly would



1 French

2 be called?

3 A. Well I have read the brief of the
4 Shipowners, but it seems that it is very often,
5 according to them.

6 Q No. I read the brief also but I
7 would like to hear your figures.

8 A. Well first in 1960.

9 Q. But before that?

10 A. Well first in Quebec District. No,
11 I don't think it was mentioned.

12 Q. Now for the last five years?

13 A. I know that it may be so, it may have
14 occurred in other Districts -- other Corporations, but
15 not in all. Well in Quebec it was October 1960 and
16 April 1962. Twice.

17 Q. When the convention was called, how
18 many members were present at the time of the opening
19 of the convention?

20 A. Which convention? Three Rivers?

21 Q. April 1962. Do you have the figures?

22 A. Yes. We were asked by Mr. Brisset
23 this morning -- well he asked for the number of active
24 members which were present at the convention since the
25 beginning.

26 Q. Could you refer to your minutes and
27 tell us what was the length of such convention?

28 A. The 7th of April at 2:30 p.m. and
29 it finished at 4:20, the same day and then we had another
30 one on the 11th of April.



1 French

2 Q. So from the seventh to the eleventh
3 you had nothing?

4 A. Well we had assemblies of each
5 member Corporation, each member Corporation held
6 assemblies at the Corporation level.

7 THE CHAIRMAN: In Three Rivers or elsewhere?

8 THE WITNESS: Well I think the central --
9 the Mid-St. Lawrence held it in Three Rivers and in
10 Quebec well in Quebec. I don't know for the others.

11 Q. Maybe we can find these details.

12 THE CHAIRMAN: I think Mr. Rousseau said
13 that it was held in Quebec. It is already in the
14 evidence.

15 MR. JACQUES: Well my lord we were given
16 the hours of the convention. I would like to know the
17 hours of the other assemblies. The Pilotage laws says
18 nobody is -- any pilot is entitled to be absent in case
19 of a general assembly so if you could get that
20 information from your members or the President ---

21 THE WITNESS: All the Presidents are here
22 present. They can take note of it.

23 MR. JACQUES: The date and the hours of the
24 assemblies which were called during the critical
25 period.

26 THE CHAIRMAN: I think this information should
27 be asked from the representative of each Corporation
28 concerned. Captain Rousseau would be heard in a few
29 minutes. He can give this evidence. Unless it can be
30 said by Mr. Bedard -- I don't think Mr. Bedard in his



1 French

2 records has this information. He is not in a position
3 to know the hour and date of the assemblies of the
4 member groups.

5 MR. JACQUES: As long as the evidence is
6 given by somebody. I want to know dates and the hours.

7 A. On the 11th of April it started at
8 2:30 in the afternoon and finished at 10:30 p.m..

9 Q. Now can you look at your records
10 and read the text of the resolution which called the
11 general convention, the decision of your Board of
12 Directors? Well could you read it again for the
13 evidence?

14 A. "On a proposal by Mr. G.L. Pouliot,
15 "seconded by Mr. Andre Perusse, it was
16 "decided unanimously that in view of the
17 "purely negative attitude of the Minister
18 "of Transport in this respect . . . " and
19 this refers to the winter negotiations and to the letter
20 from Mr. Cumyn

21 " . . . that the Board of Directors of the
22 "Federation take any necessary measures
23 "to have the attitude of the Pilotage
24 "Authority modified."

25 Q. Was this the decision of the Board
26 of Directors?

27 A. No. This is the decision of the
28 delegate members of the general assembly of 15th March
29 1962.

30 Q. Authorizing the Board of Directors to



1 French

2 act?

3 A. Yes.

4 Q. Do you have the minutes of the Board
5 of Directors in your book?

6 A. Yes.

7 Q. Did the Board of Directors adopt
8 a resolution concerning the assembly of April 1962?

9 A. April 3rd 1962, Article 9 of the
10 assembly of the Board of Directors of the Federation:

11 "It is resolved unanimously to call
12 "a special general assembly of all active
13 "members of the Federation."

14 This is the convention ~~for~~ Friday, April
15 6th 1962 at 2:30 p.m. at the Club Radisson in Three
16 Rivers.

17 Q. That was on the 3rd of April 1962?

18 A. Yes.

19 Q. How many directors were present?

20 A. All of them.

21 Q. And then the notice was sent by cable?

22 A. I believe the notice was sent by the
23 member Corporations which informed each of the members.

24 Q. So it was not made by the Board of
25 Directors?

26 A. No, I don't believe so.

27 Q. Would you have a copy of the cable
28 that you received to come to the convention?

29 A. No. I did not receive one myself.

30 Q. We are going to ask Captain Rousseau to



1 French

2 give us a copy. The witness said he did not receive
3 one but I believe when Mr. Rousseau will come to the
4 witness box I will ask him to give or to provide us with
5 a copy of the telegram.

6 Q. Well it could have been done by
7 telephone call, not especially by cable.

8 THE CHAIRMAN: We will recess for a few
9 minutes.

10
11 ---A SHORT RECESS.

12
13 ---FOLLOWING THE SHORT RECESS:

14
15 CONTINUATION OF CROSS-EXAMINATION BY MR. JACQUES:

16 Q. In order there be no misunderstanding
17 in reading the transcript of the evidence, my lord,
18 I would like to read an extract of a brief which was
19 submitted by the Pilots' Association to the Minister
20 on the 4th of February 1960, page five, which reads
21 as follows:

22 "We are gratified, however, to receive
23 "Mr. Alan Cumyn's telegram of March 30th
24 "1960 officially advising the President
25 "of the Pilots' Association that the
26 "Pilotage Authority had decided to establish
27 "immediately a system of graded pilots."

28 (THROUGH THE INTERPRETER.)

29 Mr. Bedard you sent on the 4th of April
30 a cable to the Honourable Leon Balcer which reads partly



1 French

2 as follows:

3 "Appropriate measures have been
4 "taken to avoid dangers and safety for
5 "shipping and people living on the side
6 "of the river."

7 You explained what measures were being
8 included, instructions given to the pilots to proceed
9 with the pilotage of the ships if they were on board
10 a ship at the time chosen. Did you take any other
11 measures?

12 A. Yes, we also sent cables to the
13 ships coming up from the Gulf, or from the ocean and
14 which were east of Les Escoumains, to inform them
15 of the situation.

16 Q. I am reading here appendix 73 of the
17 Shipowners' brief. Can you tell me if you sent this
18 cable:

19 "No licensed pilots available on
20 "St. Lawrence River from Escoumains to
21 "Kingston STOP No buoys in position STOP
22 "And in view of latest groundings and
23 "harbour damages by ship navigating
24 "without licensed pilot, we advise you
25 "find safe anchorage east of Escoumains
26 "until further notice."

27 (THROUGH THE INTERPRETER.)

28 Is that the cable you sent?

29 A. Yes.

30 Q. Do you have the list of the ships to



1 French

2 whom you sent this telegram?

3 A. No.

4 Q. Well was the cable sent to all ships
5 or was it a cable sent only on the radio waves in the
6 hope that the ships would receive it?

7 A. No. It was sent to the ships which
8 we knew were coming up east of Escoumains.

9 Q. But you have not kept a record of the
10 names of the ships to which you sent the cable?

11 A. No.

12 Q. Well then it was sent by which
13 company, or maybe you could see it there?

14 A. C.N.R. or C.P.R. It was sent through
15 the office of one of these two companies.

16 Q. Could you find out? The one which
17 is mentioned here is sent to Master M.A. Jonah, that
18 is a German ship which was coming up the river.
19 Do you believe that the Pilots' Federation had the
20 necessary authority to send such a cable?

21 A. I believe that anyone can send a
22 cable to a ship or to a ship's master to keep him
23 informed of the situation under giving advice. I
24 see no reason that would prevent us to do so. Myself,
25 if I would have been on board such a ship, I would have
26 been glad to receive such information.

27 Q. By sending such a telegram, is it
28 correct to say that you hoped that all the ships would
29 anchor in Escoumains?

30 A. Well if they were kept informed of the



1 French

2 situation, there were better possibilities they would
3 go and drop anchor drop than if they had not been
4 informed.

5 Q. That was the object of the telegram?

6 A. To a certain measure, firstly.

7 Q. Only?

8 A. No, not only.

9 Q. Secondly what was it?

10 A. The second reason was in order that
11 the ship would not come up the river, for safety
12 reasons.

13 Q. Would it be more correct to say that
14 the ship would not come up period?

15 A. Well if you leave aside the safety
16 aspect, then it would be that the ship would stay there.

17 Q. So was it not the objective of the
18 telegram to prevent the ships from coming up?

19 A. Nothing that was said in that tele-
20 gram would prevent the ships.

21 Q. The objective of the telegram was
22 it not ---

23 MR. LALONDE: The witness already answered
24 this question my lord. He gave two answers.

25 MR. JACQUES: The witness did not answer
26 my lord.

27 THE WITNESS: Would you repeat that question?

28
29 --- (FRENCH REPORTER READS BACK QUESTION.)
30



1 French

2 A. No, such cable cannot prevent a ship
3 from coming up the river.

4 Q. Was not the objective of your cable
5 to convince the ship masters not to come up the river?

6 A. Yes.

7 Q. So we can understand each other I
8 see. You referred to accidents. You say grounding
9 and harbour damages. At the time you sent the cable,
10 could you mention any ship in the grounding and damages
11 done to ships?

12 A. There was the ESKIMO grounded; the
13 Consuelo which damaged the telephonic cable in
14 Quebec.

15 Q. Before sending the cable did you
16 inquire into the reasons of the accident of the
17 Consuelo?

18 A. No. We checked if this really
19 happened but we did not look into the cause of the
20 accident.

21 Q. So when you sent the cable, you did
22 not know the cause of the accident of the Consuelo?

23 A. One of the causes, there was no
24 pilot on board.

25 Q. But from that to make an inquiry, there
26 is a long way. You presumed?

27 A. Yes, we presumed.

28 Q. Did you inquire into the accident
29 of the ESKIMO before sending the cable?

30 A. Yes. We checked there had been a



1 French

2 grounding.

3 Q. Did you look into the reasons of the
4 grounding?

5 A. No.

6 Q. Where they the only two cases that
7 you happened to know at that time?

8 A. Yes. They were the only cases we
9 knew of at that time.

10 Q. And when were these cables sent?
11 Which date?

12 A. You have the answer in front of you.

13 Q. It says here night of April 1962
14 this is the cable sent to the Master of the M.A.
15 ~~Joh~~ah.

16 A. As far as I know the cables were sent
17 on the 6th of April.

18 Q. And the ESKIMO was grounded when?

19 A. On the 8th of April.

20 Q. Would you have any copy of a cable
21 you sent on the 6th of April?

22 A. No, I don't think so.

23 Q. If we could find the text of that
24 cable you sent, you probably could find it from the
25 cable companies. At that time would it be the accident
26 of the Consuelo which occurred? When did it
27 occur?

28 A. I don't remember exactly.
29
30



B/RPS

1 French

2 Probably about the same date, around the 8th.

3 Q. You referred in your evidence to a
4 decision on the part of the Shipowners to negotiate.
5 If I recall the evidence, Exhibit 761 in particular,
6 I think that they refused to negotiate unless there
7 would be negotiations on the principle and on the
8 objections to the salary.

9 A. The Minister saw the table which
10 was filed saying that the Shipowners were ready to
11 negotiate as long as the pilots would start work.
12 We had to start work before negotiating. I think this
13 was this -- before they were ready to negotiate --
14 only if the pilots were ready to negotiate on the
15 basis of maximum.

16 Q. So it wasn't a complete refusal
17 to negotiate?

18 A. Well, the work stoppage was complete
19 as long as we couldn't negotiate. The work stoppage
20 started on the 6th. We sent the cable on the 4th and
21 it was on the 8th that the Ministry did anything
22 to start negotiating with the pilots. It took four
23 days, four days that nothing happened.

24 Q. I am sorry to come back to this
25 point, how did you know there were any foreign pilots,
26 especially American pilots piloting in the Canadian
27 waters?

28 A. Because we were told by other
29 pilots.

30 Q. Canadian or American pilots?



1 French

2 A. Canadian pilots of the Cornwall, Kingston
3 District or the Montreal, Cornwall District.

4 Q. You were told that such pilots were
5 on board the ships and were piloting in the Canadian
6 waters. What proof did they have?

7 A. Well they could hear them on the
8 radio-telephone communicating to the other ships at
9 times when they boarded the ship and being taken off
10 the ship and when this occurred we informed the
11 Federation and the Ministry would receive a complete
12 letter of the Corporation advising the Ministry of
13 the facts.

14 Q. Do you remember that you informed
15 the Ministry of the fact that your pilots had discovered thi
16 due to past conversations with American pilots?

17 A. No, I don't think so.

18 Q. As far as the negotiations of the
19 winter pilotage -- should I put my question to Mr.
20 Rousseau or to you?

21 A. Well, if it is a question concerning
22 the members Corporations, yes.

23 Q. You said that the administrators
24 of the Federation were chosen by the delegate members
25 of the Corporation?

26 A. Yes, that is true.

27 Q. Do you know which procedure is
28 followed to make that choice, to choose the delegate
29 members -- to choose the administrators among the
30 delegate members, which procedure do you follow?



1 French

2 A. The administrators of the Corporation
3 concerned meet and propose amongst themselves -- propose
4 one or two administrators and if it is unanimous they
5 are elected or appointed. If there are more than
6 two names there is an election.

7 THE CHAIRMAN: Is this foreseen in the
8 regulations?

9 MR. JACQUES: Would you check please?

10 MR. LALONDE: I think the witness is
11 explaining the possibility of designating the
12 delegates.

13 THE CHAIRMAN: I want him to check with
14 the regulations.

15 THE WITNESS: The delegates meet and
16 they choose amongst themselves the administrators who
17 will represent them in the Federation, Article 9 of
18 the Regulations.

19 MR. JACQUES: Q. Could you read this
20 Article?

21 A. Article 9, elections:

22 The nominations and elections of
23 the directors shall take place at the
24 annual general meeting and two directors
25 be chosen in each particular group shall
26 be nominated and elected exclusively by the
27 delegate members of their own member group.

28 Q. Is there is a procedure of nomination
29 and elections for such elections?

30 A. No.



1 French

2 Q. In practice as you are present at
3 such elections, how did you proceed? What did you do?

4 A. Well, amongst the delegate members
5 one delegates suggests that Mr. X be an administrator.

6 THE CHAIRMAN: You are the Quebec Corporation,
7 so how many delegates do you have?

8 THE WITNESS: Eight, we have one for each
9 ten pilots.

10 MR. JACQUES: Q. So the eight meet and
11 then you elect two administrators. There is no procedure
12 in any regulation or any such election?

13 A. No, what I was explaining is the
14 procedure that we follow in practice.

15 Q. In the Federation did you ever talk
16 about preparing each year a budget, some draft budget
17 which would show the expenses that would be incurred
18 the following year?

19 A. Yes.

20 Q. When do you prepare such budget?

21 A. This was prepared by the Board
22 of Directors before the general assembly and it is
23 presented to the general assembly, the Board of Directors
24 makes comments, corrections, changes and then it is
25 presented to the general assembly.

26 Q. What do you have in your budget?

27 A. It is included -- it is included
28 in this Exhibit 759. It is included in the folder
29 that is given to every participant. I have here
30 before me the budget estimates for income and expenses



1 French

2 for 1963 and the budget estimates that were drafted
3 were for annual estimates of \$60 based upon 270
4 members.

5 Q. Do you have your budget estimates
6 for the year 1962?

7 A. Yes, I think so.

8 Q. And referring to Exhibit 759 containing
9 the financial statements for the year 1962 would you
10 please compare that with your budget estimates for the
11 year 1962? Upon the preparation of your budget
12 estimates were you aware the Royal Commission on
13 Pilotage was established and would sit?

14 A. No.-- in 1962 -- when was the
15 Commission appointed or established?

16 Q. November 1st, 1962.

17 A. No, we didn't know about it.

18 Q. Consequently I wouldn't ask you to
19 compare your expenses because they wouldn't be
20 equitable. Oh, I am sorry -- it is 1962 your lordship.
21 Against each heading can you please make your
22 comparisons with your budget estimates for the
23 expenses of Directors which were \$960 but they turned
24 out to be \$2,320.

25 A. That is correct. Perhaps I could
26 give you the details.

27 Q. Could you please give us an
28 explanation for the reasons which gave rise to that?

29 A. The total expenses for the Board
30 of Directors, transportation and so forth were



1 French

2 provided \$1,940 and these expenses were \$3,687.90.

3 Q. What gave rise to such a discrepancy
4 between the two figures?

5 A. The meetings were more frequent
6 than we had foreseen and in 1962 we had a stoppage
7 of work which gave rise to an increase in travelling
8 expenses and so forth.

9 Q. No, would you pass on to the
10 item President?

11 A. Item President provided for an
12 allowance, transportation allowance, reimbursement
13 of turns and the amount foreseen was \$4,800 and the
14 actual expenses were \$5,984.52.

15 Q. To what do you attribute this
16 discrepancy?

17 A. Well, the same reason that I gave
18 previously, but so far as general overhead is
19 concerned this is rental of a room, paper, printing
20 and secretary and so forth, the maintenance of the
21 office, winter publicity, small petty cash and office
22 equipment. The last budget estimate was \$4,000 and
23 expenses \$4,721.09.

24 Q. Now, the item for expenses for
25 advisers?

26 A. We had foreseen \$6,250 for advisers
27 and auditors and we have spent \$8,774.75.

28 Q. Could you please give us your reason
29 for the discrepancy in the figures?

30 A. Well, there is no such great discrepancy



1 French

2 between the two figures.

3 Q. What is the difference?

4 A. \$2,600 because we had advisers and
5 of course the discrepancy might increase.

6 Q. This last amount then the \$1,000
7 was
8 per pilot, when the regiment special pilot
abolished?

9 A. The amount is less considerable.

10 MR. JACQUES: Thank you.

11
12 CROSS-EXAMINATION BY MR. MAHONEY:

13 Q. My lord, if I might beg the
14 Commission's indulgence I have a few questions of the
15 witness and perhaps it would be better if I was to
16 go now rather than after Mr. Lalonde's re-examination.

17 THE CHAIRMAN: Right.

18 Q. Mr. Bedard, I have the recollection
19 that in 1959 when the senate hearing on Bill S-3 was
20 in progress that you were present, am I right or
21 wrong?

22 A. No, sir, in 1959 I wasn't active
23 as an administrator of any Association or Corporation
24 or Federation.

25 Q. Whether you were active or not you
26 weren't present?

27 A. No, I wasn't President, nor was I
28 a member of any Board.

29 Q. I have a recollection of having seen
30 you there at the time. I wanted to clear it up.



1 English

2 A. It might have been another Bedard,
3 but it wasn't me.

4 THE CHAIRMAN: I am not sure it is clear,
5 you said present or President?

6 MR. MAHONEY: Present.

7 THE WITNESS: Present -- no, no I wasn't
8 present either. I thought you said President, but
9 I wasn't President nor present.

10 MR. MAHONEY: Q. Present in Ottawa?

11 A. No.

12 Q. In any event you were aware of the
13 contents of Bill S-3 as a general theory?

14 A. Very vaguely, sir.

15 Q. Were you aware of the attitude of
16 the Dominion Marine Association to that Bill?

17 A. No, I wasn't.

18 Q. You know, however, that the matter
19 of primary interest to Dominion Marine Association
20 in this Bill was the question of exemptions?

21 A. Yes, I gathered that at the time.

22 Q. If I told you that the Dominion
23 Marine Association wasn't satisfied with the expense
24 to which the exemption provisions in the Canada Shipping
25 Act would be changed by Bill S-3 you will not disagree
26 with me? Do you follow me? I am sorry.

27 A. I follow you, although I gather
28 Dominion Marine, as far as they were concerned -- if
29 they had exemptions they were happy for their own
30 ships, but I am not . . .



1 English

2 Q. The exemption which were proposed
3 in Bill S-3 weren't the exemptions which were being
4 requested by Dominion Marine Association?

5 A. That could be so. I would agree
6 that could be so.

7 Q. Do you know in 1960 at the winter
8 meetings which were held in that year, do you know
9 whether the question of exemptions were raised by the
10 representatives of Dominion Marine Association?

DD2 11 You were present at these meetings?

12 A. Yes, I was present at the meetings
13 with the Quebec Corporation. I was present.

14 Q. Do you recall the question of exemptions
15 being raised then?

16 A. I am sorry, I can't recall exactly.
17 It is quite possible it has been raised, I would say
18 that, but I don't recall exactly.

19 Q. You wouldn't disagree with me if
20 I say . . .

21 A. I would agree with you.

22 Q. If I say it was raised. I assume
23 from what you have answered to my last two questions
24 that you wouldn't recall what the attitude of the
25 pilots was with regard

26 A. If it was proposed I am quite sure
27 I would recall -- I would know what the attitude
28 was anyway.

29 Q. You don't recall at that time
30 the pilots were opposed to the exemptions which the



1 English

2 Dominion Marine Association was interested in because
3 of their fear that those same exemptions would be
4 extended to American ships? Do you recall anything
5 about that?

6 A. Yes, I recall something about that.
7 I can't say I recall it about that specific meeting,
8 but I recall something about this situation.

9 Q. Because your recollection is vague
10 I suppose it wouldn't be fair to ask you whether that
11 was their main objection?

12 A. It wouldn't be fair.

13 Q. The exemptions for Canadian ships
14 in the Montreal, Kingston District had been in effect
15 for some time at that stage, had they not?

16 A. 1960?

17 Q. Yes.

18 A. I imagine they were in effect
19 since the opening of the Seaway.

20 Q. You said to my friend, Mr. Brisset,
21 that the Federation objected to any exemptions in the
22 Montreal, Kingston District. I think that is correct,
23 isn't it?

24 A. No, I didn't say to any -- I said
25 I would object to exemptions on lake vessels but it
26 wasn't specified, the size of the lake vessels and
27 so on.

28 Q. It is true, isn't it, that the
29 pilots generally, the Federation or the various
30 Corporations haven't in the past, in any event, raised



1 English

2 any objection to the exemption of Canadian ships
3 in that area?

4 A. It would have been done by some
5 corporate member before the Federation was formed.
6 The exemptions of these ships have been from the
7 opening of the Seaway. At that time the Federation
8 wasn't in effect so if there was it was done locally
9 and I wouldn't be aware of these protests.

10 Q. Just going back to the period
11 between Bill S-3 and Bill C-98, Bill S-3, you recall,
12 was debated on in January, 1959 and Bill C-98 was
13 in 1961. Do you recall that in December of 1960,
14 specifically December 20th, 1960 the Dominion
15 Marine Association submitted a brief on the subject
16 of pilotage exemptions to the Minister of Transport?

17 A. Yes.

18 Q. At that time did you get a copy of
19 that brief? Were you aware of what was contained
20 in it?

21 A. Yes, later on we got a brief, I believe,
22 from the Ministry of Transport. We got a copy of the
23 brief from the Ministry of Transport.

24 Q. When you say later on, may I ask
25 how much later on?

26 A. The January of February of next year.

27 Q. Do you recall whether it was before
28 the joint meeting or after?

29 A. 1961?

30 Q. That would be 1960.



1 English

2 A. 1960 -- the brief was presented in
3 December, 1960?

4 Q. I am sorry, my error. I recall
5 you said yesterday, I think, that the joint meetings
6 weren't held in 1961; is that correct?

7 A. Not between the Shipping Federation,
8 Dominion Marine.

9 Q. This brief was presented in December
10 of 1960?

11 A. Yes.

12 Q. But you think in January or February
13 of 1961 you saw this brief?

14 A. It was made available to us by the
15 Department of Transport.

16 Q. Do you recall what comments the
17 Dominion Marine Association had to make at that time
18 with respect to American ships in the St. Lawrence
19 River between St. Regis and Montreal, American lake
20 ships?

21 A. Could you read the context and
22 refresh my memory?

23 Q. I would be glad to. On page 7 of
24 the brief the Dominion Marine Association said:

25 "So far as American ships are
26 "concerned they do not fall within the
27 "present provisions of Section 346 which
28 "relates only to Commonwealth ships and
29 "they would not be affected by removing
30 "the limitations imposed by virtue of



English

"Section 347. It would be necessary to
"determine whether Canada has the oblig-
"ation to expand these provisions in
"order to grant exemption to such vessels.
"The only argument in favour of allowing
"exemption to such ships would be the
"obligation which Canada has under the
"Boundary Waters Treaty of 1909."

I am quoting from the Boundary Waters
Treaty of 1909:

"For the purposes of this Treaty
"boundary waters are defined
"as the waters from main shore to
"main shore of the lakes and rivers
"and connecting waterways, or the
"portions thereof, along which the
"international boundary between the
"United States and Canada passes,
"including all bays, arms, and
"inlets thereof, but not including
"tributary waters which in their
"natural channels would flow into
"such lakes, rivers and waterways
"or the waters of rivers flowing across
"the boundary."

"The Article is quite explicit and
"would not include the waters of the
"St. Lawrence River below the town of
"St. Regis in the Province of Quebec.



English

"It is further agreed that so long as
"this Treaty shall remain in force,
"this same right of navigation shall
"extend to the waters of Lake
"Michigan and to all canals connecting
"boundary waters, and now existing
"or which may hereafter be constructed
"on either side of the line."

"These provisions would extend the
reciprocal provision to Lake Michigan and to the
Welland Canal but would not affect the position in the
St. Lawrence below St. Regis."

"We would therefore respectfully submit
that while it is necessary to honour reciprocal provis-
ions relating to the Great Lakes and to the River
St. Lawrence above St. Regis, Canada has no committment
with respect to such arrangements below St. Regis."



MR/RPS 1

English

2

Q. Now Mr. Bedard isn't that exactly
what you said in answer to my friend's question?

4

A. Yes.

5

6

Q. Well shouldn't it be recorded that
the views of the pilots and the Dominion Marine
Association are exactly the same in this regard?

7

8

A. Yes, for the St. Regis region.

9

10

11

12

13

14

15

16

17

Q. And with respect to Bill C-98,
Section 15 I believe, you agree that this Section
passed in June of 1961, some six or eight months
after the receipt by the Minister of Transport of
our brief of December 20th, changed the provisions
of the Canada Shipping Act in spite of the comments
which the Dominion Marine Association had made in
December and in spite of the protest which I under-
stand was made by the pilots?

18

A. Yes.

19

Q. That is correct is it not?

20

A. That is correct.

21

22

23

24

25

26

27

Q. Now just going on to another subject
Mr. Bedard, I take it from your evidence generally
that the function of the Federation is to co-ordinate
the efforts of the various Corporations generally, and
particularly with respect to negotiations concerning
the tariff, conditions of employment and all other
matters affecting the pilots. Is that correct?

28

29

30

A. No, that is not the prime aim of
the Federation. The Federation is a body which when
more than one District would be involved in things like



1 English

2 Bill S-3 or the Government trying to take a percentage
3 of the pilots' earnings in one Corporation, would
4 affect -- or divert to some other purpose, these are
5 matters of general policy which affects all Districts
6 although the immediate result might be just one
7 District.

8 The Federation is not a body that is there
9 to negotiate tariff for each of its members. You
10 may have one Corporation one year that would like to
11 have a tariff increase strictly on its merits, and that
12 is the business of that one Corporation. The other
13 four Corporations are not to be involved in this
14 dispute on tariff.

15 Q. I think what you just said summarizes
16 generally the evidence that you have given all after-
17 noon but as a practical matter isn't the organization
18 of these various Corporations, with delegates to a
19 central body such as the Federation, as a practical
20 matter isn't the, let us say, the result of that
21 setup to co-ordinate the efforts, even though it may
22 not be a written objective?

23 A. No, it is not. In the past you
24 had some tariff questions which were involved in the
25 brief. You had, at that time, a prime question that
26 was of importance for all Districts, that was the
27 prime objective of the Corporation. You had to take
28 the big problem to settle the small one. The tariff
29 question is not relevant to the Federation. It's the
30 Corporation's business.



1 English

2 Q. When the joint meetings were held
3 in 1960, and in 1962, I think you said that the
4 individual Corporations presented demands concerning
5 increase in tariff. Is that correct?

6 A. That is correct.

7 Q. The Federation was represented or
8 present at those meetings?

9 A. The President or a delegate from the
10 President.

11 Q. Are you now saying that the
12 Federation was there only as an observer?

13 A. Yes.

14 Q. You took no active part in the
15 meeting?

16 A. No, only in the meeting of my own
17 Corporation when I was a member of the Board, not as
18 President of the Federation.

19 Q. I think you said also that the
20 effect of the demand made by individual Corporations
21 was to adjust the tariff rather than to effect raises
22 in salary. Do you recall saying that?

23 A. Adjust the tariff rather than to
24 raise the salary? In some instances, yes, as we said
25 the instance of the \$65,000 question. That was an
26 adjustment in tariff being what the shipping companies
27 would not pay.

28 Q. Pardon me. I think I misquoted.
29 I think that the note that I had was not to adjust the
30 tariff but to adjust salaries.



1 English

2 A. Adjust salaries?

3 Q. Rather than raise salaries. Do you
4 recall that?

5 A. I would say revenue, something like
6 that. I wouldn't say salaries.

7 Q. Let's not quarrel about the word
8 salary. Income, if you prefer.

9 A. All right.

10 Q. Does that generally describe what you
11 said?

12 A. I am sorry --- ?

13 Q. It was an adjustment of income rather
14 than a raise in income that the individual Corporations
15 were interested in?

16 A. I don't remember being so technical
17 in these terms. I might have said, if you want more ---

18 Q. I think my friend made quite a point
19 of it. He had asked you about pilots' demands for
20 raises in income and you stated that it was not the
21 interest of the pilots to raise their income but
22 to adjust their income. However, I may be misquoting.
23 I won't press it. What I was going to get at Mr.
24 Bedard was if you said that, what you meant by the
25 word "adjust" rather than the word "raise". Is it
26 fair to ask you that or do you not think you said
27 it?

28 A. I don't follow you sir. I don't
29 follow your question, I am sorry.

30 Q. Well let me put it another way then:



1 English

2 Hasn't it been the objective of the various Corporations
3 to raise or to have their incomes raised to a more or
4 less common standard?

5 A. It has been the objective, yes.

6 Q. That is, to equalize, to a certain
7 extent at least, the income of a Kingston pilot with
8 the income of a Montreal pilot and the income of a
9 Quebec pilot?

10 A. No, not to equalize.

11 Q. I said to a certain extent.

12 A. Well you might hear in the course
13 of a conversation that a Corporation wanted a raise,
14 and they might compare with other Districts. It did
15 happen but to say the aim was to equalize, it was not
16 so. The number of ships, the workload, the length of
17 the season, and so on, was taken into consideration.

18 Q. So that you say there has not been
19 that effort to equalize income?

20 A. Not as a general policy sir.

21 Q. Isn't it true that when an increase
22 in tariff, resulting in an increase in income for the
23 pilots of one Corporation would be settled between
24 the Shipowners, the Department and pilots, that in
25 the next negotiation the settlement would be used by
26 another Corporation to fortify their demand for an
27 increase?

28 A. Yes, that can happen.

29 Q. That has been the case in fact?

30 A. This has been mentioned.



1 English

2 Q. And in addition to that, during these
3 negotiations there were demands by the various
4 Corporations for increase in the number of pilots
5 in particular Districts?

6 A. Yes.

7 Q. And when the number of pilots in
8 those Districts has been increased, in the next
9 negotiations wasn't the argument used that since there
10 were more pilots, an increase in revenue was required?

11 A. That may have been the case. Some-
12 time it might have been the case, might have been
13 an increase in the number of pilots and an increase
14 in tariff at the same time to compensate for the
15 increase in the number of pilots. It may have happened
16 but not as a general rule.

17 Q If I suggest to you that in, for
18 example, the Quebec District when the number of pilots
19 was increased, that almost automatically in the next
20 negotiation there would be a demand for an increase
21 in revenue based on that ---

22 A. Not in the Quebec District when I
23 was there.

24 Q. I am using Quebec District as an
25 example.

26 A. Talking about Quebec District there
27 was an increase in the pilots but I don't remember
28 that next year asking for an increase because there
29 were more pilots.

30 Q. You said there was not any increase -- ?



1 English

2 A. There was an increase in the number
3 of pilots. I don't remember demands being made for
4 a raise in tariff to pay for these additional pilots.

5 Q. You say you agree that this has
6 happened in other Districts.

7 A. I don't know if I agree or not. It
8 is possible but I am trying to pinpoint it.

9 Q. You would not agree, I suppose,
10 that this was a matter of policy on the part of
11 Corporations to adopt these tactics?

12 A. No.

13 Q. You would not agree to that?

14 A. No. I cannot speak for all Corporations.
15 One Corporation might come up with it without my
16 knowledge but as a general principle for all Corporations,
17 all I can say is ---

18 Q. I take it you would not agree the
19 Federation co-ordinates the efforts of the various
20 Corporations in their efforts to use these tactics?
21 You would not agree to that?

22 A. You get more pilots and the next
23 year you ask for more money?

24 Q. Correct.

25 A. It has not been discussed.

26 Q. You would not agree there has been
27 a conscious effort to do that?

28 A. Not that, no.

29 Q. Now there was reference made,
30 Mr. Bedard, to a reply to the brief which the Dominion



1 English

2 Marine Association submitted on December 20th 1960.

3 You recall my friend Mr. Jacques drew your attention
4 to that reply?

5 A. Yes.

6 Q. While we find some measures of agreement
7 between us as to the submission of the Dominion Marine
8 Association, the reply did not agree generally with
9 those submissions did it?

10 A. No.

11 Q. And that reply was in the form of
12 what we might call a counter brief to the Minister was
13 it not?

14 A. Yes.

15 Q. And it was a brief of the Federation?

16 A. Yes.

17 Q. And that brief referred to a meeting
18 of the Guild on March 22nd 1961. Do I have the date
19 correct? Is that correct? The date doesn't matter
20 particularly. It was early in 1961, in any event.
21 Do you agree with that?

22 A. The meeting was about what? The
23 Guild?

24 Q. You agree with me that the Federation's
25 brief to the Minister quoted a resolution ---

26 A. That Mr. Jacques read?

27 Q. To the Guild?

28 A. Yes.

29 Q. Mr. Jacques read to you?

30 A. Yes.



1 English

2 Q. Now I think in reply to a question
3 by Mr. Jacques you said that the Federation had not
4 asked the Guild to pass such a resolution.

5 A. Not the Federation as such, no.

6 Q. Were you at the meeting of the Guild?

7 A. No.

8 Q. You remember it do you?

9 A. Yes, I remember.

10 Q. Did the Federation have any delegate
11 at the Guild meeting?

EE2 12 A. Not official delegate, no. There
13 certainly were some pilots who were members of the
14 Federation and who were also members of the Guild at
15 that meeting. There is no doubt about that.

16 Q. Would they have been official
17 delegates of a Pilotage Corporation?

18 A. Yes, I imagine they might have been.

19 Q. Do you know whether they would have
20 been?

21 A. No, I don't know. I don't know the
22 By-Laws of the Guild exactly, if they have official
23 delegates or just a general meeting with consultative
24 powers only, or whatever it is.

25 Q. Now Mr. Bedard you agree with me,
26 I am sure, that the resolution of the Guild, which
27 Mr. Jacques read to you, was a very comprehensive one
28 isn't it?

29 A. Yes.

30 Q. And can you tell me how, if the Feder-



1 English

2 ation had no representative at that meeting, and if no
3 effort was made by the Federation to place this
4 matter officially before the Guild, how could the
5 Guild have passed such a comprehensive resolution?

6 MR. LANGLOIS: My lord, at this point a
7 word of explanation to help clarify the matter.

8 MR. MAHONEY: My lord, I want the witness
9 to reply, not my friend.

10 MR. LANGLOIS: My lord, I think I can
11 say a word. I think it is very important.

12 THE CHAIRMAN: I would not like you to give
13 the answer to the witness.

14 MR. LANGLOIS: No, I am not my lord.

15 MR. JACQUES: Might we ask the witness to
16 leave the room while the discussion is going on?

17 MR. LANGLOIS: There is no danger. Individual
18 pilots are members of the Guild and all these pilots,
19 as members of the Guild, form a Committee which is
20 called the National Pilots' Committee. It could well
21 happen though that an individual pilot at the same time
22 is a member of the National Pilots' Committee, of the
23 Canadian Merchant Service Guild, and an officer of
24 one of the Corporations. That is the only explanation.
25 I think this would help him to understand the question
26 put to the witness by the solicitor for the D.M.A.

27 MR. MAHONEY: Thank you.

28 THE WITNESS: Would you repeat your question.

29 THE CHAIRMAN: Would you like the stenographer
30 to read your last question?



1 English

2 (THE ENGLISH REPORTER: Q. "And can you tell
3 me how, if the Federation had no representative at that
4 meeting, and if no effort was made by the Federation
5 to place this matter officially before the Guild, how
6 could the Guild have passed such a comprehensive
7 resolution?")

8 A. Well if we take the resolution item
9 by item, I can see where certainly it is not pleasant
10 for the officers, mates or captains of the vessels to
11 do the officer's job, and an advising job at the
12 same time. I can quite understand their position, as
13 far as that goes. If you are a mate or master, you
14 have to do all your own work and on top of that, your
15 company requests you to learn some difficult pilotage
16 District within a short period of time and do this
17 pilotage, or try to do it, I don't see how they would
18 agree with that so easily.

19 Q. You are suggesting then, I take it,
20 that the motion which resulted in this resolution was
21 made by a master or mate employed by one of the
22 shipping companies rather than a pilot?

23 A. I am not suggesting anything Mr.
24 Mahoney. I think if you want to look through the
25 Guild minutes you will see who proposed and who seconded
26 it. I don't know who it was.

27 Q. I am sorry, I was not sure whether
28 you answered this before or not. You were not present
29 at that meeting?

30 A. No.



1 English

2 Q. Do you know if any director of the
3 Federation is a member of the National Pilotage Committee
4 of the Guild referred to by my friend Mr. Langlois?

5 A. Would you repeat your question
6 exactly?

7 Q. Do you know if any director or officer
8 of the Federation is a member of the, I think the term
9 is The National Pilotage Committee of the Guild?

10 A. Yes.

11 MR. LANGLOIS: My lord, a word of explanation
12 I think which will help my learned friend in asking
13 this question. In this Exhibit 757, reference is made
14 not to a meeting of the National Pilots' Committee of
15 the Guild, but to the annual general meeting of the
16 Canadian Merchant Service Guild, (Eastern Branch
17 Division) which annual meeting was composed of members
18 of the masters, mates and pilots, not only the
19 pilots.

20 Q. I understood that Mr. Langlois but
21 I think the answer which you gave to me was yes?

22 A. The answer was yes.

23 Q. Would there be only one director or
24 several directors or officials of the Federation members
25 of the National Pilotage Committee?

26 A. There may be one. There may be
27 many, depending on the years and the ones that are
28 appointed.

29 Q. At the time this resolution was
30 passed?



1 English

2 A. That I cannot recall exactly, at that
3 time.

4 Q. Do you still, I want to be fair with
5 you, do you still stick to your first answer?

6 A. I still believe that there was some,
7 yes. You asked me if I believed if there was some,
8 and I do.

9 Q. But officially, so far as the Feder-
10 ation is concerned, none of its officials on that
11 Committee was instructed to pass this resolution?

12 A. No.

13 MR. LANGLOIS: I have a few questions to
14 ask the witness but due to the late hour, could you
15 postpone it until tomorrow morning. I do have this
16 comment to make, and I would like to have this comment
17 in the same location in the evidence where the questions
18 and answers were given.

19 I wish to draw the attention of the Commission
20 that the resolution reads as follows, the resolution
21 referring to the Canadian Merchant Service Guild general
22 meeting as reproduced in Exhibit 757:

23 "Be it resolved that all masters
24 "and mates, members of the Canadian Merchant
25 "Service Guild (Eastern Branch Division)
26 "will categorically refuse to fulfill any
27 "of the functions which are now assumed
28 "by pilots, members of the Guild in Montreal
29 "Harbour and Below Montreal on the St.
30 "Lawrence River" and I draw your lordship's



1 English

2 attention to all masters and mates, and there is no
3 reference to pilots.

4 THE CHAIRMAN: Well, gentlemen despite the
5 difficulty with the stevedores' strike, I can say
6 we had a very good day and we made some definite progress
7 in the evidence and I thank you very much for your
8 kind co-operation. We will adjourn now until tomorrow
9 morning at 10:00.

10
11 ---WHEREUPON THE HEARING ADJOURNED UNTIL 10:00 A.M.,

12 WEDNESDAY, the 9th DAY OF

13 OCTOBER, 1963.

14 * * * * *

BINDING SECT.

MAY 2 1972

